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URBAN/MUNICIPAL

Hamilton, Ontario Council
Committee Agenda
PLANNING AND DEVELOPMENT
COMMITTEE

JULY 15 1987 -



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GOVERNMENT DOCUMENTS

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

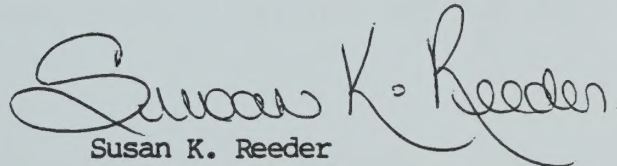
OFFICE OF THE CITY CLERK

1987 July 10

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1987 July 15
2:00 o'clock p.m.
Room 233, City Hall


Susan K. Reeder
Acting Secretary

AGENDA:

1. Minutes of the meeting held Wednesday, 1987 June 24th (Copy to Follow)
2. Alderman Don Ross
 - (a) Retaining Walls
 - i. Report - Building Commissioner
3. Engineering Department
 - (a) City Subdivision Agreement - Retaining Walls
4. Alderman Henry Merling
 - (a) Review of the designation of the south-east corner of Loconder Drive and Upper Gage Avenue (Quinnedale Neighbourhood)
5. Building Commissioner
 - (a) Demolition Permit Applications
 - i. 228 Wood Street East
 - ii. 205 Eleanor Avenue
 - iii. 14 Salem Avenue
 - iv. 413 Sherman Avenue North
 - v. 74 Charlton Street East

6. Director of Community Development

- (a) Commercial Facade Loan Programme (Private and Confidential)
- (b) Applications - Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.)
- (c) Designated Property Grant - Operating Agreement
- (d) Commercial Improvement Programme
- (e) International Village Business Improvement Area - Amendment to By-law No. 86-212 Appointing the Board of Management
- (f) Barton Street East Community Improvement Plan; Commercial Facade Loan Programme and Commercial Improvement Programme
- (g) Update - Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.) (Private and Confidential) (For Information)

7. Director of Property


- (a) Release of Building Covenants - B.N.W. Holdings Limited - Lots 2, 3 & 4, Plan M-227, Rymal Road East
- (b) Lot 12, Hamilton Industrial Park No. 1, D.B. Savage Industrial Sales Limited
- (c) Quit Claim Deed - Rear land of Frid Construction Company Limited - 100 Frid Street

8. City Solicitor

- (a) Appeals to the Ontario Municipal Board (For Information)
- (b) By-law respecting Site Plan Control Areas

9. Items Referred Back by City Council

- (a) City owned land east of the proposed parking garage on York Boulevard known as the Triangle
- (b) Proposal to amend the Hamilton-Wentworth Official Plan to relocate a proposed district shopping centre and designated lands for residential purposes in the Town of Ancaster



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PUBLIC MEETING

3:00 o'clock p.m.

10. Zoning Application ZA-87-41, J. Ng, prospective owner, for a change in zoning from "AA" and "C" to "E" for lands municipally known as No. 864 Upper Wentworth Street; Bruleville Neighbourhood.
Public Meeting - 3:00 p.m.
11. Zoning Application ZA-87-43, Sunoco Inc., owner, for a modification to the established "HH" District regulations for property at the south-west corner of Upper James Street and Rymal Road West; Kennedy East Neighbourhood.
Public Meeting - 3:00 p.m.
12. Zoning Application ZA-87-46 and ZA-87-70, A. and J. Novosel and K. and R. Nash, owners, for a change in zoning from "AA" to "C" for the rear properties at Nos. 2808, 2810 and 2812 King Street East; Gershome Neighbourhood.
Public Meeting - 3:00 p.m.
13. Zoning Application ZA-87-47, L. Strickland, G. Bauder, and Stone Church Developments, owners, for a change in zoning from "C" to "D" for property at No. 965 Stone Church Road East; Quinndale Neighbourhood.
Public Meeting - 3:15 p.m.
14. Zoning Application ZA-87-48, Bayfield Green Development Company, prospective owner, for a change in zoning from "AA" to "C" and "AA", "C" and "H" to "HH", for lands on the west side of Upper James Street, in the area south of Stone Church Road West; Mewburn Neighbourhood.
Public Meeting - 3:15 p.m.

(a) Letter of Submission - Mr. and Mrs. Smith, 1375 Upper James
15. Zoning Application ZA-87-49, L. and W. Faille, owners, for a modification to the established "C" District regulations, for property at No. 27 Rowntree Drive; Rushdale Neighbourhood.
Public Meeting - 3:15 p.m.

(a) Letter of Submission - George R. Barclay, Empire Developments (Hamilton) Limited
16. City Initiative CI-87-G, City of Hamilton, owner, for a further modification to the established "D" District regulations for properties municipally known as Nos. 80, 84 and 88 Century Street; Landsdale Neighbourhood.
Public Meeting - 3:30 p.m.
17. Zoning Application AZ-87-44, Todoc Construction Ltd., owner, for a change in zoning from "AA" to "C", "RT-10" and "E-2" for lands on the south side of Rymal Road East, in the area east of the proposed extension of Upper Gage Avenue; Broughton East Neighbourhood.
Public Meeting - 3:30 p.m.

18. Zoning Application ZA-87-52, Ki Hing Li, owner, for a change in zoning from "C" to "G-3" for property municipally known as No. 9 Brantdale Avenue; Southam Neighbourhood.
Public Meeting - 3:30 p.m.
19. Zoning Application ZA-87-68, York and Bay Centre Inc., owner for a further modification to the established "CR-3" District regulations for property municipally known as No. 151 York Boulevard: Central Neighbourhood.
Public Meeting - 3:45 p.m.
20. Site Plan Control Application DA-87-29 by the Los Andes of Hamilton Co-Operative Housing Inc., owner for development of lands on the north side of Stone Church Road East, west of Upper Sherman Avenue; Rushdale Neighbourhood.
21. Site Plan Control Application DA-87-65 by Mr. N. Zaffiro, solicitor for the owners at 356 Clifton Downs Road, Gilbert Neighbourhood.
22. Site Plan Control Application Approval (For Information)
23. Application for extension of Draft Plan Approval - Templemead No. 3
Files 25T-77005 and SA-77-05
24. Application for approval of a Draft Plan of Condominium, 603792 Ontario Inc., owner, to establish 21 apartment units on the south side of Robinson Street, east of Park Street, 25CDM-87007 & SA-87-08; Durand Neighbourhood.
25. Application for approval of a Draft Plan of Condominium, Highland Mews Inc., owner, for property located on the south side of Main Street West, west of White Chapel Cemetery, Files 25CDM-87003 & SA-87-03; Ainslie Wood West Neighbourhood.
26. Request of the Planning and Development Committee to solicit comments from owners of properties located on Burlington Street and Industrial Drive to a proposed street name change (415) (Copy to Follow)
27. Request of the Planning and Development Committee to give approval to hold a Public Meeting to consider the renaming of roads (Aimee Avenue, Fiona Court, Greenguild Court, Greencedar Court and Como Drive) (415)
28. Municipal Housing Statement Up-date (P5-4-28-1)
29. Acquisition - Residential Enclaves (P5-2-69)
30. Proposed Zoning By-law - Township of Glanbrook (P6-3-2)
31. Public meeting-Hamilton Beach Study (for information).



2a.

July 2, 1987

Mrs. Susan K. Reeder
Acting Secretary
Planning & Development Committee


Dear Mrs. Reeder:

Would you please put the following item on our next agenda of the Planning & Development Committee meeting - "retaining walls".

Would you also ask for comments from the Building, Planning and Engineering Departments as to how we could pass a By-law that would ensure the building of a retaining wall will last longer than three years. I would appreciate receiving written reports from staff to be given to myself, Alderman Murray and the members of the Committee.

Thanks for your assistance in this matter.

Very sincerely,


Don Ross
Alderman, Ward 8

DR/sp

cc: Alderman Tom Murray, Ward 8

2a(i)

F O R A C T I O N

FROM: Mr. Paul Kuppe, Building Commissioner DATE: July 9th, 1987

TO: Planning and Development Committee REFER TO FILE NO:

ATTENTION: Brian D. Allick

Your File No. _____

SUBJECT:

Retaining Walls

RECOMMENDATION:

That City Council petition the Provincial Government for an amendment to Section 2.1.2 of The Ontario Building Code Regulations, to include all retaining walls over 1 metre in height.

BACKGROUND:

The Ontario Building Code, R.S.O., 1980, Regulation 419/86, designates as a structure:

"Retaining Walls exceeding 1 metre in exposed height adjacent to public property or access to a building."

Therefore, retaining walls located at those designations are controlled by The Ontario Building Code and require a building permit and all design criteria contained in the Regulations of The Ontario Building Code are required.

The retaining walls which are constructed on private property not in the area designated above, are not controlled by any legislation.

In order to control retaining walls in total, it would require changes in The Ontario Building Code Act and Regulations.

FROM Engineering Department DATE June 26, 1987
TO Planning and Development Committee Refer to File No. E205-05
Attention Of K.A. Brenner
Your File No. _____

SUBJECT

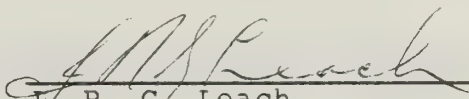
City Subdivision Agreement-Retaining Walls

RECOMMENDATION

That the policy established in Item 20 of the 17-84 report of the Transport and Environment Committee be rescinded and the following substituted:

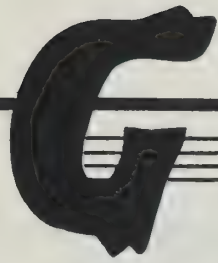
- 1) The City of Hamilton control retaining walls over 1.5 m in height in residential subdivisions during construction of the houses in a plan of subdivision.
- 2) The Building Department shall be responsible for the approval of the walls.
- 3) The walls exceeding 1.5 m in height and not subject to the Building Code shall be designed in accordance with the Ontario Building Code.
- 4) The City Solicitor be directed to make the necessary changes to the subdivision agreement.

NOTE: The effect is that all walls over 1.5 m in height will be controlled for initial construction by the Building Department as opposed to the Department of Engineering and the walls will be designed in accordance with the requirements of the Ontario Building Code.


J. R. G. Leach
Commissioner of Engineering

BACKGROUND

The recent changes in the Building Code have resulted in a condition where walls in excess of 1.5 m height are at times controlled by both the Building and Engineering Departments. This, in our opinion, is a duplication of service. Furthermore, it can lead to conflicting approvals. It is, therefore, recommended that the Building Department assume the responsibility of approving the design of retaining walls in excess of 1.5 m. The Building Department has agreed that it is reasonable for them to take on the work.



galwân canada limited

4a.

Delivered by Hand

July 9, 1987

Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario

Attention: Mr. Henry Merling
Alderman - Ward 7

RE: PROPERTIES LOCATED AT
UPPER GAGE AVE. & LOCONDER DRIVE

I wish to identify myself as the president of 568434 Ontario Inc., a company which owns property to the east of Upper Gage Avenue and the north of Loconder Drive, in the City of Hamilton.

This land is about to be developed to suit forty-four (44) residential units; that is fourteen (14) single family homes, eight (8) freehold townhouses and twenty-two (22) condominium townhouses.

Through my investigation of the properties located to the south of Loconder Drive, which properties are under different ownership, it has been learned that these lands are designated as "Commercial", but presently zoned as "C" (Residential) and "AA" (Agricultural).

It was also learned that the lands were designated as "Commercial" in 1976.

I wish to offer comments with respect to our development and the proposed future use of the lands to the south of our development:


- a) the present designation of "Commercial" is inappropriate. Consideration should be given to a new designation of "Residential" to be suited by an "RT-20", "RT-30" similar in nature to our development;
- b) a new designation of "Residential" would be more compatible with the present surrounding developments;

- c) there is presently an overabundance of commercial lands available for development, in the area. By removing the "Commercial" designation from the lands across from our development, other more suitable commercial lands could be more properly utilized;
- d) purchasers of our future residential units have expressed their preferences in having residential units rather than commercial use across from them. These future home owners would also like to see a redesignation from "Commercial" to "Residential";
- e) as the current owner of the property located at Upper Gage Avenue and Loconder Drive, I could not support any commercial use in the neighbourhood;
- f) there is a greater need at the present time for affordable housing similar in nature to our development, rather than commercial development;
- g) a period of approximately eleven (11) years has passed, since the lands were originally designated "Commercial"; perhaps as times have changed over these years, a more appropriate "Residential" designation should be considered;
- h) as a developer, I would be most interested in assembling the lands across from our development for the purposes of residential use rather than commercial. Having spoken with the owners of the properties to the south of Loconder Drive, their interests in selling their lands would be better suited if residential use rather than commercial use would be undertaken.

Having expressed my concerns in this letter, I ask that this information be brought to the attention of the City Planning and Development Committee and be placed on the agenda for the July 15, 1987 meeting.

We ask that consideration be given by the Committee to redesignating these "Commercial" lands to "Residential" lands, similar in nature to our development and/or developments in the neighbourhood.

Yours truly,



Walter J. Galdenzi

WJG:ln

F O R A C T I O N

5a
(i)-(iv)

FROM P. Kuppe DATE 1987 July 8

TO J. Thompson Refer to File No.

Attention Of

Your File No.

SUBJECT

Demolition

RECOMMENDATION

That the Building Commissioner be authorized to issue demolition permits for the demolition of residential buildings as outlined below.

BACKGROUND

1. 228 Wood Street East
2. 205 Eleanor Avenue
3. 14 Salem Avenue
4. 413 Sherman Avenue North

(0879g)

BUILDING DEPARTMENT

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF

LAND IS PERMITTED BY PRESENT ZONING

DATE: 1987 July 8

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	ZONE	RECOMMENDATION
1.	228 Wood St. East	S.F.D.	S.F.D.	45 X 149	"D"	It is recommended that the Committee approve demolition.
2.	205 Eleanor Avenue	S.F.D.	S.F.D. (Land has been subdivided)	224 X 380.7	"C"	It is recommended that the Committee approve demolition.
3.	14 Salem Avenue	S.F.D.	Parking for Church (Ontario Conference of Seventh Day Adventist)	54 X 81	"E-2"	It is recommended that the Committee approve demolition.
4.	413 Sherman Avenue North	S.F.D.	Additional parking for 421 Sherman Avenue North	20 X 90	"K"	It is recommended that the Committee approve demolition.
						PETER C. LAMPMAN, P. ENG., DIRECTOR OF PLAN EXAMINATION

F O R A C T I O N

5a
(v)

FROM P. Kuppe DATE 1987 July 8

TO J. Thompson Refer to File No. _____

Attention Of _____

Your File No. _____

SUBJECT

Demolition

RECOMMENDATION

Development permit has been DENIED by the Niagara Escarpment Commission. It is therefore recommended that this application be DENIED by the Planning and Development Committee.

BACKGROUND

74 Charlton Street East

(0879g)

BUILDING DEPARTMENT

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF

LAND IS PERMITTED BY PRESENT ZONING

DATE: 1987 July 8

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	ZONE	RECOMMENDATION
1.	74 Charlton St. East	S.F.D. (Vacant since April 1, 1986)	Nursing Home	75 X 65	"E-3"	The Development permit for demolition was DENIED by the Niagara Escarpment Commission, therefore it is recommended that the Committee DENY this application.

PETER C. LAMPMAN, P. ENG.,
DIRECTOR OF PLAN EXAMINATION

Mr. Terence A. Whelan, Q.C.

W/R/85-6/369 - demolish a one-storey,
74.4 sq. m. (800 sq. ft.) addition to a
two-storey residential building which is
also proposed for demolition under
development permit application
No. W/R/85-6/369, all on land identified
as Lot 14, Concession 3, City of Hamilton,
Regional Municipality of Hamilton-Wentworth
and located in the "Urban Area" designation
of the Niagara Escarpment Plan

Pursuant to section 25 of the Niagara Escarpment Planning
and Development Act, R.S.O. 1980, a hearing officer has
inquired into the merits of the proposals and advised me
of his opinion of the decisions.

After reviewing the hearing officer's report, a copy of
which is attached, I concur with his opinion and direct
the Niagara Escarpment Commission to issue a development
permit subject to the attached conditions on applications
W/R/85-6/369 and W/P/86-7/42 and direct the Niagara
Escarpment Commission ~~not to issue a development permit
on Application W/R/85-6/369~~

My decision not to allow a development permit to demolish
the 1870's house at 74 Charlton Avenue East will not
prejudice another application for this building. It is
my hope that a thorough investigation will be made by
all interested parties, such as the developer, the
Ministry of Citizenship and Culture, the City of Hamilton
and the Hamilton LACAL, in investigating the
possibility of preserving the heritage building as
recommended by the hearing officer.

Yours sincerely,

ORIGINAL SIGNED BY
BERNARD C. GRANDMAITRE

Bernard Grandmaitre
Minister

Attachment

Mr. Terence A. Whelan, Q.C.

c.c. Mr. Joseph Curtin, Chief Hearing Officer
Mr. G.H.U. (Terk) Bayly, Chairman, N.E.C.
Mr. Keith Jordan, Manager, N.E.C. - Georgetown
Mr. Bruno Carusetta, Senior Planner, N.E.C.
Mr. E. A. Simpson, Clerk, City of Hamilton ✓
Mrs. B. Tinsley, Regional Clerk,
Regional Municipality of Hamilton-Wentworth
Mr. M. Heitshu, Manager - C.P.A.B.

Mr. Howard Mark, M.O.A.A.
Architect
252 James Street South
Hamilton, Ontario
L8P 3B5

Mr. Julian Gaspar
Project Manager
Vice-President
Canadaplan Construction Company
Limited
393 Rymal Road West
Hamilton, Ontario
L9B 1V2

CONDITIONS

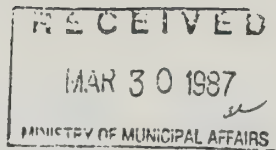
St. Elizabeth Home Society
File Nos: W/P/86-7/42

1. Non-fulfillment or breach of any one of the conditions shall render the development permit null and void.
2. No building or other permit relating to development shall be issued or be considered to be in force unless a valid development permit is in effect.
3. The development permit shall expire two (2) years from its date of issuance unless the development has commenced.
4. Development shall take place only in accordance with the revised site plan and development permit application submitted (except where special conditions are to apply as noted below).
5. Except where noted on the application and approved by the Commission, no other grading of the existing contours of the lot is permitted, with the exception of that which is required for the development.
6. That prior to the issuance of a development permit by the Niagara Escarpment Commission, the applicant submit a final site plan which provides for the complete preservation of the 1870's house located at 74 Charlton Avenue East and which reflects to the satisfaction of the Niagara Escarpment Commission staff the modifications requested by the Council for the City of Hamilton. Said plan to be approved by the Niagara Escarpment Commission in consultation with the City of Hamilton.
7. That prior to the issuance of a building permit by the Niagara Escarpment Commission, Niagara Escarpment Commission staff shall be satisfied that the applicant has submitted landscape plan approved by the City of Hamilton.
8. That prior to the issuance of a building permit by the City of Hamilton, the applicant enter into a Site Plan Control Agreement with the City of Hamilton.
9. That upon issuance of a development permit, Development Permit Application No. W/R/84-85/186 becomes void.
10. This decision shall become null and void if a development permit is not issued within one (1) year from the date of confirmation of the Commission's decision by the Minister of Municipal Affairs.

CONDITIONS

St. Elizabeth Home Society
File No: W/R/85-6/369

1. Non-fulfillment or breach of any one of the conditions shall render the development permit null and void.
2. No building permit or other permit relating to development shall be issued or be considered to be in force unless a valid development permit is in effect.
3. The development permit shall expire two (2) years from its date of issuance unless the development has commenced.
4. Development shall take place only in accordance with the revised site plan and development permit application submitted (except where special conditions are to apply as noted below).
5. That the demolition of the structure take place in such a way as to preserve the 1870's house to which it annexed.
6. That all materials resultant from the demolition and not required in new construction be removed from the site immediately following demolition.



(N.E.C. W/P/86-7/42 A
W/R/85-6/368 R
W/R/85-6/369) A

IN THE MATTER OF Section 25 of The Niagara
Escarpment Planning and Development Act,
Revised Statutes of Ontario, 1980

- and -

IN THE MATTER OF an appeal by Madeline Mark
against a decision of the Niagara Escarpment
Commission dated the 14th day of November,
1986, whereby the Commission approved an
application for a development permit made by
St. Elizabeth Home Society to:

W/P/86-7/42 - construct a four-storey, 7500 sq. m.
(80645 sq. ft.) nursing home, with fifth-storey
chapel, accessway and associated parking spaces,
on a lot which presently supports an apartment and
residential building, both proposed for demolition;

W/R/85-6/368 - demolish a two-storey, 465 sq. m.
(5000 sq. ft.) residential building;

W/R/85-6/369 - demolish a one-storey, 74.4 sq. m.
(800 sq. ft.) addition to a two-storey residential
building which is also proposed for demolition under
development permit application No. W/R/85-6/368 all
on land identified as Lot 14, Concession 3,
City of Hamilton, Regional Municipality of Hamilton-
Wentworth and located in the "Urban Area" designation
of the Niagara Escarpment Plan

A P P E A R A N C E S

Howard Mark, MOAA

- architect, agent for
Madeline Mark, appellant

Terence A. Whelan

- Legal Counsel for
St. Elizabeth Home Society,
Hamilton, Ontario

Julian Gaspar

- Project Manager, Vice President,
Canadaplan Construction
Company Limited

Martin Kilian

- N.E.C., Staff Planner

REPORT TO THE MINISTER OF MUNICIPAL AFFAIRS BY JOSEPH A. CURTIN

This matter is of some complexity and involves three files
comprising one appeal.

The appeal revolves around the proposed demolition of a
distinguished 1870s Italianate style red brick house, 74 Charlton Avenue East,
Hamilton, which is listed on the City of Hamilton Inventory of Architectural
and Historically Significant Buildings.

An appeal against Niagara Escarpment Commission approval of the demolition of a small utilitarian addition to the 1870s house was withdrawn early in the hearing. This is represented by File N.E.C.: W/R/85-6/369.

Since this appeal (N.E.C.: W/R/85-6/369) was withdrawn early in the hearing it is proposed to dispense with further scrutiny of this file. It will be dealt with in this report's recommendation as withdrawn.

An appeal against construction of a four-storey, 180 bed nursing home with a fifth-storey chapel was based by the appellant on design, density and aesthetic considerations and was persisted in. This file is N.E.C.: W/P/86-7/42.

Because the demolition of the 1870s Italianate house is central to the issue and because Counsel for the appellant subsequently stated that unless the house is demolished the applicant will not proceed with construction of the projected nursing home, it is proposed here to deal with the 1870s house file first (N.E.C. W/R/85-6/368).

The 1870s house proposed for demolition is located prominently on John Street South at Charlton Avenue in Hamilton close to the toe of the Escarpment. John Street is a main north and south artery of the City.

The area of the subject property has been historically the location of the finer older homes of the City. The subject property is now encircled with some exceptions for a radius of approximately two blocks with institutional and other orders of high rise construction.

The surviving elements remaining of original 19th Century architecture and street design in the neighbourhood include a house row facing John Street north of the subject property. Some commercial uses are found in these houses. Structurally the subject house appears to be in reasonably sound condition but there is evidence of delapidation and want of elementary maintenance.

The N.E.C. Staff Report contained in file N.E.C. W/R/85-6/368 indicated that the subject property is designated "Urban Area" in the Niagara Escarpment Plan (page 14, column 1). "Development Objectives" No. 4 under this designation states that:

"Development proposals should be compatible with and provide for the protection or restoration of historic features or areas, archaeological sites and structures of architectural significance in accordance with Part 2.11.

Part 2.11, page 24, as cited deals with "Heritage" development criteria. Criterion No. 2, the Staff Report notes states that "existing heritage features, areas and properties should be retained and reused. To determine whether such actions are feasible consideration shall be given to both economic and social benefits and costs".

The Hamilton Local Architectural Conservation Advisory Committee (L.A.C.A.C.) and the Ministry of Citizenship and Culture state that the demolition of the 1870s house is not necessary for the proposed redevelopment of this site, the Staff Report indicated. These agencies maintained that redevelopment could occur feasibly by incorporating the building into the new facility or converting its use and keeping it a separate building.

The building is not designated under the Ontario Heritage Act the Staff Report notes.

In the opinion of the Commission staff the proposal to demolish does not meet the cited Niagara Escarpment Plan Criteria and thus does not conform to the policies of the Niagara Escarpment Plan.

The Hamilton-Wentworth Regional Official Plan designates the subject property "Urban Policy Area - Existing Development". The Official Plan for the City of Hamilton designates the subject property "Major Institutional".

The Hamilton-Wentworth Regional Planning and Development Department indicates that the Region supports the proposal.

The Hamilton Region Conservation Authority has no objection but suggests that the local L.A.C.A.C. be contacted.

The City of Hamilton overruled the L.A.C.A.C. objection to the proposal and has indicated its support for the application.

The Ministry of Citizenship and Culture in a letter dated May 29, 1986, indicates that it formally objects to the demolition proposal based on the building's historical importance to this section of the City, identified as Corktown, both physically and architecturally. This part of the city has its own historic designation in that name.

The Ministry confirmed its position in a follow-up letter of October 30, 1986 citing the governing development objectives and criteria of the Niagara Escarpment Plan.

The Ministry was quoted in the Commission Staff Report as saying in the October 30, 1986 letter:

"We have given much consideration to the development application and the applicable objectives of the Niagara Escarpment Plan. Staff consider the existing, two-storey building proposed to be demolished to be of architectural significance both in its own right as well as being an important remnant of the Corktown neighbourhood. This building warrants protection.

We are not opposed to the principle of developing this site for nursing home purposes provided that such an initiative incorporates and retains this building. Having regard to the intent of the Niagara Escarpment Plan we feel that this application falls short of what may be reasonably expected in this particular situation. Accordingly we cannot support this application as submitted considering it contrary to the objective for the Escarpment."

The local L.A.C.A.C. opposed the demolition application in a letter to the Commission dated August 8, 1986. The Committee stated that its representatives had met with the applicant and Regional Planning Staff to discuss alternatives for demolition without success.

Niagara Escarpment Commission Staff defined the issue as that of the potential loss of an important heritage building. The applicant's objection to what the applicant conceives to be necessary preservation steps and alternate uses and the applicant's suggestion for salvaging elements of the building during demolition for preservation elsewhere were found to be unconvincing by the Commission Staff.

The applicant in the opinion of N.E.C. Staff has not sufficiently proven that no other alternative to this demolition is feasible based on economic and social benefits and cost.

The Commission subsequently approved the development permit subject to the following seven conditions:

1. Non-fulfillment or breach of any one of the conditions shall render the development permit null and void.
2. No building permit or other permit relating to development shall be issued or be considered to be in force unless a valid development permit is in effect.

3. The development permit shall expire two (2) years from its date of issuance unless the development has commenced.
4. Development shall take place only in accordance with the revised site plan and development permit application submitted (except where special conditions are to apply as noted below).
5. That prior to the issuance of a development permit by the Niagara Escarpment Commission, the applicant record the existing building in a manner satisfactory to the Ministry of Citizenship and Culture and the Hamilton Local Architectural Conservation Advisory Committee.
6. That all materials resultant from the demolition and not required in new construction, be removed from the site immediately following demolition.
7. This decision shall become null and void if a development permit is not issued within one (1) year from the date of confirmation of the Commission's decision by the Minister of Municipal Affairs.

Hearing of the appeal was held on Tuesday, January 20, 1987, in the Council Chambers of the City Hall in the City of Hamilton, commencing at 10:30 a.m.

All parties wishing to be heard were heard. All evidence was taken under oath.

Howard Mark, Professional Architect, appeared as agent for the appellant Madeline Mark in all three files of this appeal, viz, N.E.C. W/P/86-7/42; N.E.C. W/R/85-6/368 and N.E.C. W/R/85-6/369.

The appeal against file N.E.C. W/R/85-6/369 was withdrawn. This was an approval for demolition of a one-storey recent utility addition to the 1870s Italianate house.

Addressing the proposed demolition of the 1870s house (File N.E.C. W/R/85-6/368) Mr. Mark restated his client's opposition. He advised that the technical staff of the N.E.C., The Ministry of Citizenship and Culture and the L.A.C.A.C. recommended against demolition and for retention of the 1870s house.

The only information he said he could secure from the applicant respecting the proposal to retain the 1870s house was that it was incompatible with the proposed design of the nursing home (File N.E.C. W/P/86-7/42) and that it was not in the applicant's view economically feasible to retain the heritage building.

There is too much development on this site Mr. Mark stated. He described the site as very difficult to deal with. The site drops quickly from south to north with a four-storey elevation quickly becoming a five-storey elevation he said and then, referring to the proposed nursing home, adding a six-storey roof top chapel on the north east part of the site.

Identifying himself as a lifelong resident of the Corktown neighbourhood Mr. Mark stated he had known all the buildings that have been lost in the area through demolition. Corktown was described as a recognized land use planning area in Hamilton bounded by John Street, the Escarpment, Main Street and Wellington Street. He referred to a City of Hamilton Corktown zoning map which was received as Exhibit 1.

There are buildings on John Street which are still residential. Four buildings on the east side of John Street just north of the proposed site retain their original residential character he said.

In his opinion streetscape is very important to a community. Large scale buildings, he said, have altered the character of the area which has not improved but regressed.

At this point Mr Whalen, Counsel for the applicant, conceded that at all levels technicians had opposed the application for demolition and subsequently that in a letter V.J. Abraham, M.C.I.P., Director of Local Planning, favoured preservation of the 1870s house.

The applicant's ideas for preservation of the 1870s house as set out in part 7, page 3, of the N.E.C. Staff Report were challenged by Mr. Mark. He agreed that replacing the roof with a glass roof, removing all floors and replacing wooden cornices would not be economically feasible.

He said that the proposal to glass and gut is questionable. There are other alternatives he maintained. The building could be retained and connected to new structures with provision for fire separation, he said. It could house administration activities. Integration of internal traffic flow would be a problem but could be solved in his opinion.

It is his client's opinion that this can be done within restraints of economic feasibility.

The Church of the Ascension on the north west corner of John Street and Charlton Avenue opposite the subject property will be adversely affected by the proposed change. Both structures fit into the nearby residential scene which is all that is left of Corktown in this area, he said.

A row of historic terraced stone houses on the west side of John Street between Yonge Street and Forest Avenue has been replaced by a very high density development. The development in the area is enough, he said. With respect to the nursing home application (N.E.C. W/P/86-7/42) Mr. Mark referred to a schematic drawing in the applicant's documents appearing in the N.E.C. Staff Report in this file which showed he said a six-storey structure in the Charlton Avenue north elevation of the proposed institution compared to the four-storeys plus roof chapel described in the application text.

The site slopes 10 feet in 70 feet he said, his reading of text in the architectural drawings caused him to believe the occupancy would be not 180 beds but 240 to 250 including some 60 apartment units.

Mr. Mark said it was suspected the roof top chapel and corridor system suggested provision was being made for the later addition of another floor of some 60 beds, it leading to 310 beds on site.

Two adjacent high rise apartments would also be affected by the proposal Mr. Mark stated. These he said are on the north side of Charlton Avenue between Catharine and Walnut Streets.

What is being proposed is all new construction with the old heritage building removed. He noted that the Niagara Escarpment Plan addresses heritage preservation. But he felt the old building could stay and the nursing home and its 180 beds could be built. No one can say it could not be done, he said. The site he said abuts a park and playground, Wolverton Park, immediately to the east for which care must be exhibited.

The architect of the project must take his orders from the owner he stated. At this point a written presentation and photos were submitted. An objection by Mr. Whelan was sustained, however, the photographic material of the report was abstracted and accepted as Exhibit 3.

An additional photo of the subject property and the east side of John Street was received as Exhibit 4.

Mr. Whalen waived cross-examination of Mr. Mark and made a preliminary statement.

The applicant's position he said is that the nursing home will not be built if incorporation of the 1870s house into the project is a requirement. The applicant owns the entire block on John Street south from St. Joseph's Drive to Charlton Avenue. Two large buildings appear as hatched outlines south of the subject property (see Exhibit 1) and have been vacant since April 1, 1986.

Julian Gaspar was introduced by Counsel as a witness for the applicant.

He is an employee of Canadaplan Construction Company. He described himself as a Project Manager for the applicant. He has won a national housing design award and an urban development institute award for his work he said.

It is proposed to build for 180 beds with the existing structure becoming a residence for 70 beds.

He said the architect had tried to include the 1870s house in his plans. He spent three months in 1986 negotiating with the L.A.C.A.C. and the City Planning Department to try to incorporate it he said.

As a result of information he said he believed that since the new building must be noncombustible the 1870s house could not be part of it. Elements to be reviewed included cornices, floors and roof he stated.

Changes in the nursing home plan had been made but do not show on the plan submitted with the application he said. Although the building is designed with over 100 pounds per square foot of roof load any building can be designed for a higher load than the minimum requirement.

Mr. Gaspar said that the City Planning and Development Committee recommended unanimously that the 1870s house be demolished and that City Council approved. The L.A.C.A.C. and N.E.C. Staff objected but the Commission nonetheless approved demolition. The 1870s house is not designated under the Heritage Act he noted.

He introduced 32 colour photos of the 1870s house illustrating its current position. These were received as Exhibit 5. These he said showed damage caused by vagrants.

Broken windows are shown and interior vandalism.

There are a lot of high rises in the area he said. East of the subject property is a 35 storey building. To the north-east are two 20 storey buildings on the west is a five-storey hospital building. This hospital St. Joseph's is expanding. He said the block is very dense.

He agreed with Mr. Mark that to the north five traditional 19th Century and turn of the Century houses are located. One is an office he said.

He cited part 3, section 1.2.b.2 of the Ontario Building Code, Ministry of Housing, October 1986 covering institutional occupancies and section 3.2.2.26(2) subhead Group b Division 2 subsection 2(2). These sections deal with combustibility in institutions and fire safety requirements.

Asked by Mr. Mark if he felt there was no option other than demolition Mr. Gaspar replied there was no way even half way economical to preserve the 1870s house. It is so deteriorated today it cannot be preserved he stated.

The witness flatly accepted advice that the building could not be kept because of minimum fire regulations he said. He had never asked his architect to discuss it because of his categorical acceptance of this view. The architect accepted this view as well. The justification for the new nursing home proposal is that it no longer meets the demands of the new Nursing Home Act he said. He stated that it would take too long to explain this to the hearing.

The witness observed that the present condition of the building indicated valuable parts have been destroyed.

The applicant became aware of vandalism to the 1870s house he said in April, 1986. The entry was locked but the door was glass and it was smashed. Asked if it would not have been better to have boarded the building up from the start he replied that no one had noticed it being damaged. Now the house is boarded up. An abandoned building is never completely secure he said.

There is no security guard employed he said. The maintenance man only works from nine to five daily. Martin Kilian, N.E.C. Staff Planner, queried Mr. Gaspar with respect to the changes in plan which did not appear in the application. These the witness said were minor and within the overall specifications.

In argument Mr. Mark concluded that the issue to the applicant seemed to hinge on the Building Code. The question he said is if there was an alternative to demolition within the Building Code would the applicant consider it. If the costs were acceptable would they be flexible enough to try an alternative.

Mr. Whelan summed up by saying in spite of the opposition of the respective technical staffs the Commission had approved the application.

The applicant had waited over a year and had tried to accommodate the L.A.C.A.C. Mr. Mark himself he said should have offered some alternatives. The applicant he repeated will not build a new nursing home unless the 1870s house can be torn down. At the conclusion of the hearing with the consent of all parties a site visit was undertaken by the hearing officer.

COMMENTS

It is felt that the applicant has not sufficiently addressed the alternative preservation possibilities available to him in light of the myriad alternative designs and construction techniques to be commonly discerned even by laymen in addressing issues of architecture.

The impression is left that a single design and method has been fixed upon with little flexibility displayed toward the issue of preserving the 1870s house. It is troubling to perceive from the evidence the casual attitude of the applicant toward maintaining the 1870s house and defending it against vandalism. Vandalism is commonly recognized as the prelude and even the excuse for demolition.

The Niagara Escarpment Plan is quite clear on heritage structure and the preservation as cited in both the N.E.C. Staff Report and the communication from the Ministry of Citizenship and Culture. Development Criterion part 2.11 Criterion No. 2 and Development Objective No. 4 "Urban Area" is decisively cited.

The concern of the appellant relative to the survival of some last fragile elements of the City of Hamilton heritage in the midst of a streetscape rapidly retreating from the human scale is readily respected.

Recent high rise construction has produced a streetscape of sterile and unattractive character. One such structure confronts the street with the excessive and dehumanising ugliness, see Exhibit 3-10.

Because the nursing home design appears to require the demolition of the 1870s house the option of approving its construction is not available to the hearing officer if the 1870s house is recommended for preservation. A recommendation against construction of the nursing home, as designed in the application should be expressed without prejudice to a reapplication embodying a new design which would enable the 1870s house to be preserved.

RECOMMENDATION


In light of the appellant's withdrawal of the appeal in file (N.E.C. W/R/85-6/369) it is respectfully suggested to the Minister that the decision of the Niagara Escarpment Commission has merit and that he should instruct the Commission to issue the necessary development permit together with such conditions as shall preserve the structure to which it is annexed as made subject to reference below.

With reference to the 1870s house (N.E.C. W/R/85-6/368) it is respectfully submitted that the Commission's decision to issue a development permit for demolition lacks merit and that the Minister concur in the appeal by instructing the Commission not to issue a development permit.

In the matter of file (N.E.C. W/R/85-7/42) for the construction of a four-storey nursing home it is respectfully submitted that the Commission's decision has merit and that an instruction be issued to deny a development permit but that such permission be given conditional on the complete preservation of the 1870s house.

All of which is respectfully submitted.

Dated this 3rd day of March, 1987


Joseph A. Curtin
Chief Hearing Officer

6b.

F O R A C T I O N

FROM E. W. Kowalski, Director
Department of Community Development DATE 1987 July 03
TO Planning and Development Committee 800-0300
Refer To File No. 800-0016.3
Attention Of _____
Your File No. _____

SUBJECT

Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.).

RECOMMENDATION

That the attached four (4) O.H.R.P. applications and four (4) H.A.R.P. applications be submitted to City Council for approval, authorizing the Department of Community Development to process grants/loans in the amount not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme (O.H.R.P.) and pursuant to By-law 78-113 for the Hamilton Rehabilitation Programme (H.A.R.P.).

Signature: [illegible]

BACKGROUND

With respect to the Hamilton Rehabilitation Programme, attached is a list of four (4) applicants whose applications are currently being processed for a loan pursuant to By-law 78-113.

For the information of the members of the Committee, the total number of applicants to date under the Hamilton Rehabilitation Programme is three hundred and nineteen (319).

With respect to the Ontario Home Renewal Programme, attached is a list of four (4) applicants whose applications are currently being processed for grants and/or loans pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applicants to date under the Ontario Home Renewal Programme is three thousand eight hundred and five (3,805).

Planning and Development
Committee

Ontario Home Renewal Programme

1. B. Nielson
28 Harmony Avenue
2. C. McCarthy
526 East 27th Street
3. C. Hannah
252 East 19th Street
4. E. Bunting
378 East 18th Street

Hamilton Rehabilitation Programme

1. E. Charlton
1145 Mohawk Road East
2. A. Wallace
324 East 17th Street
3. P. DiGiovanni
51 Graham Avenue North
4. N. Watson
745 Cannon Street East

6c.

F O R A C T I O N

Mr. E. W. Kowalski, Director,
Community Development

1987 July 06

FROM _____ DATE _____
TO Planning and Development Committee Refer To File No. 800-0225.2
Attention Of _____
Your File No. _____

SUBJECT

Designated Property Grant - Operating Agreement

RECOMMENDATION

- i) That the Department of Community Development be directed to apply to the Minister of Citizenship and Culture for approval to participate in the Provincial Government's new Designated Property Grant Programme.
- ii) That City Council direct the Mayor and City Clerk to execute the attached Operating Agreement in order for the Department of Community Development to implement the new Designated Property Grant Programme offered by the Ministry of Citizenship and Culture.

E. W. Kowalski rec. 1/1

BACKGROUND

The City of Hamilton has been delivering the Designated Property Grant Programme for the last three (3) years. This Programme however terminated 1986 December 30 and has now been replaced by a new Programme. The terms of the new Programme are virtually the same except that the grant has been increased from \$2,000. to \$3,000. per application per year. It should be noted that the municipality "front-ends" the grant and then makes a claim to the Province on a semi-annual basis. The City also receives a ten percent (10%) Agency Fee on all approved grants.

The City had entered into an Operating Agreement with the Ministry of Citizenship and Culture for the previous Programme but the Agreement terminated with the end of funding in December 1986. The Department therefore recommends that the City enter into the attached Operating Agreement in order that the Programme can be delivered by the Department of Community Development.

DESIGNATED PROPERTY GRANT AGREEMENT

1. Definitions

"Colour photographs" means clear, in-focus photographs which have been taken both from close enough range to clearly show the area of the Project for which grant monies have been awarded and which have been taken from a far enough range to show a clear overall view of the Project and does not include Polaroid photographs.

"Eligible Project" means a project as defined in the Designated Property Grant Guidelines. Where there is any dispute between the Ministry and the Municipality as to whether a project is an Eligible Project, the decision of the Ministry shall be final and binding.

"Eligible Project Costs" means costs incurred in the course of the Eligible Project but does not include the value represented by voluntary contributions of time, labour, materials or other such things.

"Eligible Property" means land within the Municipality which:

- (a) is owned or occupied by the applicant, provided that, where work is being carried out by a tenant, that the owner has given written approval to such work;
- (b) is designated property under either Part IV or Part V of the Ontario Heritage Act; and
- (c) is property which has not previously been the subject of a grant under this Agreement within the calendar year in which the application is made.

"Funds" means any monies awarded and paid to a Municipality under this Agreement.

"Grant" or "Grants" means any monies awarded and paid to an applicant by a Municipality.

"Guidelines" means the guidelines describing the Designated Property Grant program which are attached hereto as Schedule 1. The Ministry may from time to time direct the Municipality to follow new Guidelines which have been prepared and issued by the Ministry. Upon such direction, the new guidelines shall supercede those attached.

"LACAC" means a Local Architectural Conservation Advisory Committee as established pursuant to the Ontario Heritage Act.

"Ministry" and "Minister" mean the Ministry and Minister of Citizenship and Culture.

"Municipality" means a municipality as defined in the Ontario Heritage Act.

"Northern Ontario" means all of the area comprised by the following districts: Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming.

"Project" means an Eligible Project as defined in this Agreement.

"Southern Ontario" means that part of Ontario which has not been defined as Northern Ontario.

2. Credit

The Municipality shall acknowledge the support of the Government of Ontario through the Ministry of Citizenship and Culture in all advertising, publicity, programs, signage and plaques relating to the program.

3. Educational Seminars

The Municipality shall send such delegates as indicated by the Ministry to at least one specified architectural conservation seminar annually, which seminar shall be hosted or sponsored by the Ministry. If no architectural conservation seminar is hosted or sponsored by the Ministry in any given year, this term shall not apply for that year.

4. Publicity

The Municipality shall publicize the availability of grants under this program.

5. Purpose of Funds

Funds given by the Ministry to Municipalities shall only be used for the purposes outlined in this Agreement.

6. Conflict

In the event of a conflict between a term of this Agreement and the Guidelines, the provisions of this Agreement shall govern.

7. Operation of Program by Municipality

The Municipality shall distribute application forms substantially similar to the one attached hereto as Schedule 2, which application forms shall be accompanied by the Guidelines.

The Municipality shall process all complete applications within two months.

Where the Municipality has appointed a LACAC, the Municipality shall refer all applications to the LACAC for comments and a recommendation.

The council of the Municipality shall approve an application only if:

- (a) the application is made in respect of an Eligible Property;
- (b) the application is made in respect of an Eligible Project;
- (c) the application is supported by such historic and present-day photographs, sketches, blueprints, plans or other documentation as the Municipality requires to judge the merits of the application; and
- (d) the application is made in respect of a Project which has not yet been commenced.

Where an application has been approved, the Municipality shall write to the applicant:

- (a) indicating the work to be completed;
- (b) providing any additional conditions governing the Grant;
- (c) stating that payment shall only be made upon completion of the Project to the satisfaction of the Municipality and in accordance with the Guidelines and upon substantiation of Eligible Costs by invoice.

Where an application has not been approved, the Municipality shall inform the applicant of this in writing, indicating the reasons for the non-approval.

8. Payment of Grant by Municipality

Where the Municipality has inspected a Project and is satisfied that it has been completed in accordance with the Guidelines and in a satisfactory manner, and where a claim for the payment of a Grant has been submitted by the applicant, the Municipality shall pay the applicant the amount stipulated in section 9.

No payment shall be made unless the claim for such payment is accompanied by invoices for Eligible Project Costs.

9. Reimbursement by the Ministry

Where the Ministry is satisfied that the Municipality has processed an application and made a Grant in accordance with this Agreement, it shall reimburse the Municipality an amount equal to the lesser of:

- (a) the amount of the applicant's claim to a maximum of 50% in Southern Ontario or to a maximum of 66.67% in Northern Ontario of the total amount of the Eligible Project Costs as substantiated by invoice; or
- (b) \$3,000.00;

together with 10% of the Grant amount to offset the administrative costs of the Municipality in administering the program. No reimbursement shall be made under this section

unless:

- (a) the Municipality has complied with this Agreement;
- (b) the Municipality has completed and submitted Claim Forms "A" and "B" attached hereto as Schedules "3" and "4" respectively, in respect of that project; and
- (c) the Municipality has submitted historic photographs, where available, as well as Colour Photographs both before the Project is undertaken and after the Project is completed.

Claims by the Municipality for reimbursement shall be submitted to the Ministry by June 30th and December 31st of each year.

All reimbursement is subject to the availability of funds in the program, and the Ministry reserves the right to make a pro rata distribution of available funds to Municipalities based on claims submitted.

10. Direct payment to Municipality

Notwithstanding section 9 of this Agreement, the Ministry may in its sole discretion award advance Funds to the Municipality to be used by the Municipality for the purposes outlined in this Agreement. If the Ministry makes such an award, no reimbursement as provided in paragraph 9 shall be made to a Municipality in respect of any Projects.

Only a Municipality with an established LACAC and which has demonstrated success in administering the program shall be considered for payment under this section.

An amount equal to ten per cent of any amount paid out of these Funds to Grant recipients shall be used by the Municipality to offset the administrative costs of the Municipality in administering this program.

When the advance Funds have been used, the Ministry may in its sole discretion award further advance Funds to the Municipality or direct the Municipality to follow the reimbursement procedure outlined in section 9.

11. Accounting

All Funds awarded under this section shall be accounted for in a separate ledger account.

The Municipality shall keep and maintain all records, invoices and other documents relating to the Funds in a manner consistent with generally accepted accounting principles and clerical practices, and shall maintain such records for a period of three years after the termination of this Agreement.

The Municipality authorizes the Ministry and its agents at

automobile liability insurance. If requested by the Ministry, the Municipality shall provide satisfactory proof of such insurance. The Municipality shall provide notice to the Ministry immediately upon change or cancellation of the insurance.

15. Reporting

Upon the request of the Ministry, the Municipality shall report to the Ministry providing such details concerning the operation of the program as the Ministry requires.

16. Additional Terms

The Ministry shall be entitled to impose such additional terms and conditions governing this program, in its sole discretion, as it deems necessary.

17. Termination

This Agreement may be terminated by either party upon two months' notice in writing to the other party.

Any claim for reimbursement made by the Municipality pursuant to section 9 during the term of this Agreement but not fully processed as set forth in this Agreement prior to the termination of this Agreement shall be fully processed as if this Agreement were still in force, provided that such claim is received by the Ministry within two months of the termination of this Agreement.

The Corporation of the

_____ of

per: _____

Seal

Date

Head of Council

Date

Clerk

all reasonable times to inspect and copy any records, invoices and documents in the possession or under the control of the Municipality which relate to the Funds.

The right of inspection under this section includes the right to perform a full or partial audit.

12. Unused Funds

Any unused advance Funds remain the property of the Ministry and shall, upon the request of the Ministry, be repaid to the Ministry.

13. Repayment of Funds

The Municipality shall, at the request of the Ministry, repay to the Ministry the whole or any portion of the Funds if the Municipality:

- (i) has knowingly provided any false information relating to this Agreement;
- (ii) uses Funds for purposes other than those detailed in the Guidelines or in this Agreement;
- (iii) breaches any of the terms and conditions of this Agreement;
- (iv) breaches any of the provisions of the Human Rights Code, in administering this program.

Where required, the Funds shall be repaid by cheque payable to the Treasurer of Ontario, and mailed to the Finance Branch, Ministry of Citizenship and Culture, 4th Floor, 77 Bloor Street West, Toronto, Ontario M7A 2R9.

After 30 days from the Ministry's request for repayment of Funds the Ministry reserves the right to demand interest on any amount owing by the Municipality to the Ministry at the then current interest rate charged by the Province of Ontario on accounts receivable.

14. Limitation of Liability, Indemnification and Insurance

The Municipality agrees that the Ministry shall not be liable for any incidental, indirect, special or consequential damages, injury or any loss of use, revenue or profit of the municipality arising out of or in any way related to the program.

The Municipality agrees that it shall indemnify the Ministry, its employees and agents, against all costs incurred as a result of a claim or proceeding related to the program unless it was caused by the negligence or wilful act of any employee of the Ministry.

The Municipality shall maintain comprehensive general liability insurance of at least \$1,000,000.00 per occurrence for bodily injury (including personal injury), death, and damage to property including loss of use thereof, and

Eligible Projects

Only those projects described below are eligible for grant funding. If there is doubt about the interpretation of these eligibility guidelines in relation to a specific project proposal, the Ministry should be contacted for clarification by the municipality prior to the approval of the proposal.

I Properties Designated Under Part IV

1. General

Any work which conserves or enhances elements specified in the Reasons for Designation is eligible.

It is important that the Reasons for Designation be sufficiently detailed and explicit to include all significant elements of the property.

Eligible projects fall into three general categories:

a) the conservation of existing architectural elements which are significant.

This would include, for instance, repair of deteriorated original elements such as doors and windows, siding and roofing materials, and other significant features.

b) the reconstruction of significant architectural features which still exist, but which are beyond conservation or repair.

This would include only ACCURATE reconstructions of the original features, using materials, sizes and configurations which match the original.

c) the restoration of significant architectural features which have been lost, but for which the appearance can be clearly determined from documentary sources.

These documentary sources must pertain to the particular property for which funding is requested, not simply to similar properties in the neighbourhood. The documentation should be in the form of historic drawings or photographs clearly showing the feature(s) to be restored.

Poor or defective work is not eligible.

Only projects in which the quality of work carried out is satisfactory are eligible for a grant. Unsatisfactory work includes minor items which can be corrected (such as paint dribbled onto adjacent surfaces) as well as major problems (such as an entire paint job which fails because of inadequate surface preparation, or masonry joints which have been cut out using power tools).

In order to achieve acceptable projects, work undertaken on historic buildings requires care and often involves specialized materials and techniques. Please consult technical information provided to municipalities by the Ministry. If further information is required, please consult the Heritage Branch of the Ministry.

Short-term, routine maintenance is not eligible.

This includes minor repairs (such as repairing a broken step or a broken window), painting (other than as specified in section 2.g below) and repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.).

Landscaping is not eligible.

2. Exterior

Eligible projects might include the conservation or accurate reproduction or restoration of significant architectural features such as:

- doors
- windows
- verandahs
- cupolas
- significant chimneys (exterior only)
- bargeboard or other decorative trim
- shopfronts which have been altered or replaced
- any other features important to the overall composition of the structure as specified in the Reasons for Designation
- fences and outbuildings if specifically referred to in Reasons for Designation.

Eligible work does not include:

- work on modern additions
- sheds or outbuildings not specifically referred to in the Reasons for Designation
- modern doors and windows unless replicas of the original
- new storm or screen doors and windows, except as described in (d) below
- chimney repair other than restoration of a significant chimney
- repair of eavestrough unless its nature is such that it is significant to the heritage of the structure.

For more detailed information on some eligible project types, see the explanatory notes below.

a) The Conservation or Renewal of Original Roofing and Siding Materials

This might include repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). It also includes removal of a modern material (aluminum siding, asphalt shingles, etc.) and replacement with the original material (where original material can be documented).

It does not include repairs to or renewal of modern materials.

The conservation or renewal of original roofing and siding materials deals exclusively with historical materials. The materials are defined as: wooden shingles, shakes, board roofing; metal roofing made of copper, zinc, tin or terneplate; and roofing of clay tile and slate.

Designated Property Grants are intended to help offset the extra costs associated with the now scarce materials and skills required for the preservation of heritage properties. For this reason, materials such as standard asphalt shingle and other "modern" readily available roofing types are not eligible under this program. The only exception to this rule is that roofing for flat roofs (e.g. built-up roofing) is eligible under this program.

Ontario's Architecture



Ontario's
Architecture



Affaires civiques
et culturelles

If there is doubt about the grant eligibility of a specific type of roofing, municipalities should contact the Heritage Branch.

b) The Repair, Repointing and Cleaning of Masonry

Masonry work is eligible only if the materials and methods used will not cause harm to the historic masonry.

In repair and repointing work, relatively soft lime mortars **MUST** be used. All cement content must be white cement, to avoid introducing harmful salts. Repointed areas are to match the historic mortar in colour, texture and joint width and profile. Old, defective mortars are to be cut out using hand tools only, except that power saws or discs may be used for partial cutting out of hard cement mortars, to a maximum of half the joint width.

Masonry work using non-reversible materials such as epoxies is not eligible. Application of water-repellent coatings is not eligible.

Cleaning of masonry buildings may be eligible if it is necessary for the building's preservation, and if it is carried out using suitable materials, methods and pressures. **Under no circumstances will grants be paid for sandblasting.**

If there is doubt about the grant eligibility of a specific type of masonry work, municipalities should contact the Heritage Branch.

c) Stucco

Designated Property Grants may be applied to the restoration of stucco where this is known to have been the historic exterior finish for the structure.

To receive a grant the stucco work must replicate the original or historic rendering for the building in colour, materials and texture: e.g. a structure originally finished in a "rough-cast" texture and yellow colour should be restored to this finish to be eligible. Modern renderings with high cement contents are not eligible.

d) Storm and Screen Windows

Designated Property Grants may be applied to the repair, conservation or reconstruction of wooden storm or screen windows if the historical evidence of the use of storm windows can be documented. The storm or screen windows must be replicas of the original in both style and material.

Storm windows utilizing materials such as lexan, plexiglass, aluminum, or extruded metal are **not** eligible for funding.

e) Stained Glass

The Designated Property Grant program provides assistance for the conservation and repair of stained glass. Funding may be provided for the repair of lead or copper comes and wooden frames or the restoration of the stained glass lights. Funding is **not** provided for the installation of lexan, plexiglass or other synthetic materials to protect stained glass windows. These materials are considered as new storm windows and are ineligible.

f) Eavestroughing

Designated Property Grants may be applied to the restoration of gutters and downpipes only where these items are considered to be a significant architectural feature of the building, such as:

- gutters and downpipes of now rarely-used but long-lasting materials such as copper and lead;
- gutters and downpipes which incorporate decorative elements (often found at the "storm heads" or at the metal straps);
- gutters which are built into the building cornice.

Modern materials, such as plastic, vinyl, aluminum and galvanized metal are **not** eligible for grant consideration.

g) Painting of the Exterior in Documented Historic Colours

Any property may receive one grant only for exterior painting in documented original colours. After this initial grant, it is expected that maintenance will be the owner's responsibility.

Colours must be documented for the individual building, through paint analysis.

Paint analysis may be performed either by using paint chip samples (viewed through a microscope or magnifying glass), or by sanding the paint surface in a circular motion to reveal the layers of paint (which can then be examined through a magnifying glass).

Paint chips or scrapes must be taken in several different areas of the building, to provide the best opportunity for finding early paint layers and to reveal the different paint colours which may have been used on different building elements. Window frames, window sash, doors and various areas of trim may all have been accented in colours that contrasted with the main body colour of the building.

Also, the paint layers uncovered must be interpreted as to primer and finish coats, and the fading, yellowing and darkening of paints. Please consult technical information provided to municipalities by the Ministry.

Fees for professional paint analysis may themselves be an eligible cost (see item 7 below).

Administration

Legal Agreement

In order to participate in the program, a municipality is required to enter into a legal agreement with the Ministry. This contract sets forth grant terms and conditions to be met by both participants.

Application and Grant Process

- a) **The property owner should consult with the municipality (LACAC and/or clerk's office) as early as possible in the process of planning a project.** This pre-consultation helps to avoid ineligible proposals.
- b) **The property owner submits an application for a grant to the municipality,** on application forms provided by the Ministry. This application must include all details necessary for a full understanding of the proposed work (e.g. materials to be used, dimensions, mortar mixes, cleaning chemicals for masonry, etc.).

Where necessary, the municipality may request additional plans, specifications, drawings or photos. The professional fees for the preparation of such material may be grant-eligible.

It is the municipality's responsibility to ensure that properties are designated under Part IV or Part V of the Ontario Heritage Act.

- c) **The application is reviewed by the municipality.**

In accordance with Section 33 of the Ontario Heritage Act, project proposals will be referred to the LACAC where one exists.

The LACAC and/or municipal staff visit the building, discuss the proposed work with the owner, prepare comments and provide Council with reasons for accepting or rejecting the project proposal.

Council's decision is final. The applicant should be informed in writing of Council's decision, and of the conditions under which the grant will be paid.

- d) **Following Council's approval in principle, the owner undertakes the work.**

The owner is required to contact the municipality concerning any changes to the project which are proposed during the course of the work.

- e) **Work undertaken must be inspected to ensure conformity to the proposal submitted.**

Inspections may be carried out by municipal staff or, where acceptable, by LACAC members.

- f) **The grant is paid to the property owner by the municipality, on the basis of receipts for project costs.**

- g) **The municipality submits grant claims to the Ministry on a twice-yearly basis.**

Each claim must include details of the work which was carried out (e.g. materials, dimensions, mortar mixes), clear "before" and "after" photos of the project (not Polaroids) and a copy of the designation by-law for the property, including the Reasons for Designation.

Conservation Information and Advice

Where a Local Architectural Conservation Advisory Committee (LACAC) exists, it is the best immediate source for information and advice, especially on designation, small-scale technical matters, and the Designated Property Grant. Most LACACs are accessible through the municipal clerk's office. Other helpful groups, such as local historical societies and branches of the Architectural Conservancy of Ontario are often closely associated with LACACs. A local museum may also serve as a useful starting point for documentary information and other contacts.

The Heritage Branch of the Ministry of Citizenship and Culture supports and provides advice on a wide range of heritage activities, including historical research, education and promotion, archaeological protection and research, and the conservation of buildings, structures and landscapes. Among other things, the Branch provides help in establishing LACACs, technical advice on conservation for LACACs and projects supported by the Ministry or the Ontario Heritage Foundation, information on provincial programs aiding heritage conservation (including the Preserving Ontario's Architecture programs), and guidance on the evaluation and conservation of heritage features in municipal and environmental planning.

Heritage Branch
Ministry of Citizenship and Culture
77 Bloor Street West
Toronto, Ontario
M7A 2R9
Telephone (416) 965-4961

Information of a general nature may also be available from the nearest regional office of the Ministry of Citizenship and Culture, listed in the blue pages of local telephone directories. In addition, Ministry publications dealing with some of the details of designation and evaluation are available through the Ontario Government Bookstore, 880 Bay Street, Toronto, Ontario M7A 1N9.



Ontario Ministry
of Citizenship
and Culture

3. Interior

Interior work is not eligible except for the conservation of features specifically referred to in the Reasons for Designation.

Eligible interior features, if specified in the Reasons for Designation, include woodwork, plasterwork, wall or ceiling murals, etc.

New services (electrical, plumbing, heating) and insulation are not eligible.

4. Structure

Work necessary to restore the building to structural soundness, but not including structural work to accommodate modern renovations, is eligible.

This includes the correction of serious structural faults which threaten the building's survival, but does not include routine maintenance.

Structural work necessitated by modern renovations (e.g. a new supporting beam over the opening for a new door) is not eligible.

5. Bridges

The Designated Property Grant program provides funding for the conservation and repair of bridges which have been designated. Repairs required to restore the structural integrity of the bridge or conservation of its decorative elements are considered eligible project types. Examples include repairs to railings, newel posts, trusses, arches, abutments, or piers executed in the original materials.

6. Cemeteries

The Ministry requests that it be notified by the municipality prior to the municipality's approving a proposal for cemetery restoration.

Cemeteries which have been designated under the Ontario Heritage Act are eligible to receive one grant per calendar year to restore or conserve significant heritage features of the property. Eligible work would include the conservation of grave markers, tombs, mausolea, dead houses, significant stone walls, wrought iron gates and fences which are part of the original design. As well, the restoration of elements of the original landscape plan could be considered eligible if sufficient documentary evidence exists for recreating such features. As in other items, the above-mentioned significant features should be cited in the Reasons for Designation. Routine maintenance, such as grass cutting, tree pruning, etc. is not eligible.

7. Architects' and Engineers' Fees

Professional fees to a maximum of nine hundred dollars (\$900) of the \$3,000 grant are eligible under the Designated Property Grant program for work directly related to proposed conservation and rehabilitation projects. Funding is strictly limited to professional fees which are directly related to completed eligible projects.

For instance, eligible fees might be related to:

- preparation of drawings for reconstructed or restored elements such as porches, windows, doors, etc., for which the appearance for the individual property can be clearly determined from documentary sources;
- solution of structural problems (e.g. foundation repairs, beam reinforcement);
- preparation of specifications for masonry repair, repointing or cleaning;
- paint analysis to document the historic paint colours for the building.

II Properties Designated Under Part V

Any improvements to the property as specified in the heritage design guidelines in the district plan are eligible.

In the case of properties identified in the plan as being of specific heritage value, the definition of an eligible project for a property designated under Part IV may apply.

For other properties within the district, an eligible project is defined as any work in accordance with the heritage design guidelines for the property as specified in the district plan adopted by the municipality.

Short-term routine maintenance is not eligible.

Ontario

To be completed by applicant and returned to Municipal Clerk.

Note: In order to be eligible for this grant, properties must be designated under The Ontario Heritage Act, 1974.

1. Applicant

Name	Telephone (include area code)
Address	
Postal Code	

2. Property for which application is being made

3. Under which part of The Ontario Heritage Act, 1974 is the property designated?

☐ Part IV ☐ Part V

4. Have you previously received a Designated Property Grant for this property?

☐ Yes ☐ No (If "Yes", give date and amount.)

Date	Amount
------	--------

5. Provide a description of the project proposal and cost breakdown. Include details such as materials to be used, sizes, mortar mixes, etc. Enclose all drawings, photos and/or other material necessary for a complete understanding of the proposed work (use additional sheets as required). Please include any available historic photographs.

Description	Cost

6. List other sources and amounts of funding requested for project

Federal		Amount \$
Provincial		\$
Municipal		\$

I certify that to the best of my knowledge the information provided in this application for a Designated Property Grant is accurate and complete.

Applicant	Date
-----------	------



and Culture

Schedule 3

Designated Property Grants Claim Form "A" Individual Projects

Municipality

1. Background

2. Property Address

	Day	Month	Year	
Application Received				
Council Approved				
Project Completion				
Grant Payment				

3. Provide a brief project description and list eligible costs. Include details such as materials used, sizes, mortar mixes, etc.

[illegible]

4. Amount of Grant paid (to a maximum of \$3,000)

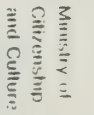
1

5. Comments

[illegible]

6. Attachments

- (a) Copy of by-law designating property to which grant has been paid; including the Reasons for Designation;
(b) Photos of project (not polaroids), both before the work was undertaken and after completion.



Designated Property Grants Claim Form "B" Summary List

1. Address

	1. Address	2. Total Eligible Cost	3. Total Grant Paid	4. Total Ministry Payment
Total				

I certify that to the best of my knowledge, the information provided is accurate and complete and that the Designated Property Grant funds were spent in accordance with the terms and conditions of the legal agreement between the Ministry of Citizenship and Culture and the municipality.

Date _____

For Municipal Use Only

Municipality _____

Application received by _____

Date _____

To be completed by LACAC where established

Date of referral to LACAC _____

Project ☐ Accepted (conditions) _____

☐ Not Accepted (reasons) _____

LACAC Chairperson _____

Date _____

Municipal Council Decision

Project ☐ Accepted (conditions) _____

☐ Not Accepted (reasons) _____

Municipal Clerk _____

Date _____

FOR ACTION

6d.

FROM E. W. Kowalski, Director
Community Development Department

DATE 1987 July 7

TO Planning & Development Committee

Refer To File No. 800-0014.12

Attention Of _____

Your File No. _____

SUBJECT

Commercial Improvment Programme

RECOMMENDATION

- i) That, the staff recommendations based on the Business Improvement Area Commercial Improvement Programme submissions, attached as Schedule 'A' be approved at an estimated gross cost of \$400,000; and;
- ii) That, the Department of Community Development be authorized to implement the recommendations in (i) above.

E. W. Kowalski July 7

BACKGROUND

At its meeting held 1986, August 13, the Planning and Development Committee requested the Department of Community Development to undertake the preparation of a long term strategic planning and management plan for evaluating financial requests for active and future Business Improvement Areas (B.I.A.'s) in the City of Hamilton. Subsequently, on 1986 September 10, the Department of Community Development provided a follow-up report and capital budget submission addressing the Commercial Improvement Programme. On 1987 January 29, City Council approved the Department of Community Development's capital budget submission of five hundred thousand dollars (\$500,000) per year for the next five (5) years for a total of two million, five hundred thousand dollars (\$2,500,000), for the Commercial Improvement Programme. City Council, at its meeting held 1987 May 26, adopted item #1 from the 12th Report of the Executive Committee for 1987, recommending that the Commercial Improvement Programme be proceeded with at an estimated gross cost of two million, five hundred thousand dollars (\$2,500,000). Between February and May of 1987, submissions were accepted for the Programme from all eligible B.I.A.'s.

Presently, there are six (6) B.I.A.'s in the City of Hamilton: i) International Village; ii) Ottawa Street; iii) Westdale Village; iv) Downtown Promenade; v) Jamesville; and vi) Concession Street. Other B.I.A.'s are expected to be formed over the next five (5) years; however, they will not be eligible for the Commercial Improvement Programme until they have been in existence for at least one (1) year.

A sub-committee was established to review the submissions and provide a recommendation to the Planning and Development Committee. The sub-committee, comprised of staff from Community Development, Public Works, Planning, Traffic, Regional Transportation, and Regional Engineering, were involved in tours of each of the six (6) eligible B.I.A.'s, followed by review meetings. Based on the expertise of the sub-committee members and on the objectives of the Commercial Improvement Programme (explanation to follow), recommendations were made and subsequent discussions with some of the B.I.A.'s followed, prior to submission of a final recommendation to this Committee.

COMMERCIAL IMPROVEMENT PROGRAMME

OBJECTIVE

The Commercial Improvement Programme has been established to address the physical and economic needs of Business Improvement Areas, as they pertain to municipally owned lands. In other words, to improve municipal property (i.e., sidewalks, streets, and associated infrastructure) located within legally defined Business Improvement Areas. Recommendations for the use of this programme were based primarily on the following criteria:

METHODOLOGY

1) INFRASTRUCTURE AGE AND CONDITION

Whereby older infrastructure received greater attention than newer ones.

2) INFRASTRUCTURE DESIGN

Type of infrastructure recommended took into account the design characteristics of the B.I.A. in terms of historical evolution, architectural design, area themes, etc.

3) PROMOTIONAL ITEMS NOT TO BE PUBLICLY FUNDED

Infrastructure deemed promotional (i.e., seasonal banners, christmas lights, etc.) were not considered under the Commercial Improvement Programme.

4) B.I.A.'s LENGTH OF EXISTENCE

A B.I.A must have been in existence for at least one (1) year to qualify for the Programme.

5) PRIORITY TO THE CENTRAL AREA

Recommendations took into account the Official Plan's policy on giving priority to the Central Area.

6) PREVIOUS AND/OR PLANNED MUNICIPAL EXPENDITURE UNDER OTHER PROGRAMMES OR PLANS

Recommendations took into account the amount of municipal expenditure utilized within a B.I.A.'s boundaries previous to an application under this Programme, or planned within a B.I.A.'s boundaries under other programmes or plans.

7) SUBMISSION INTENTION AND OBJECTIVES

Each B.I.A. was assessed on the scope and nature of the submission, the allocation of funds for hard and soft services, long term objectives, Board of Management and general membership support of these objectives.

8) CREATIVITY

New and imaginative ideas conducive to Hamilton's future growth were favourably considered.

9) MAINTENANCE COSTS

Ongoing maintenance costs to the City of Hamilton and the Region were taken into account prior to making recommendations.

10) STAGING PROCESS: B.I.A.'s ON-STREAM

Recommendations for funds took into account new B.I.A.'s which will come on-stream within the next 5 years, and will thus be eligible for funding under the Commercial Improvement Programme at later dates. Implementation of some of the B.I.A. proposals will be staged because of the extent of the requests and budgeting restrictions. Recommendations concerning next year's project approvals will be forthcoming early in 1988.

Further Details:

Further details pertaining to the programme's objectives are included in "Selection Criteria for B.I.A.'s in the City of Hamilton", Department of Community Development, 1986 September. (Available upon request)

EXPLANATION

Both the Downtown Promenade and Jamesville B.I.A.'s were not allocated funds under the Commercial Improvement Programme for 1987. Reasons are as follows:

Downtown Promenade

-the Board of Management requested that funds be provided for canopies on the Post Office Building and for a sound system in Gore Park. The requests were not recommended on the grounds that canopies were to be constructed on Federal property, and that a sound system for Gore Park was considered a promotional item.

Jamesville

-the Board of Management requested Christmas decorations, Seasonal Banners, Planters, garbage receptacles, and benches. The requests were not recommended since Christmas decorations and Seasonal Banners were considered promotional items; and planters, garbage receptacles, and benches were being implemented under Phase V of the Downtown Action Plan in 1988. However, the requests for additional garbage receptacles will be forwarded to the Public Works Department for their deliberation.

Excess Funds

Under Schedule 'A', the recommendation states that an amount of four hundred thousand (\$400,000) would cover the Commercial Improvement Programme's expenditure for 1987. Thus an excess amount of approximately one hundred thousand dollars (100,000) remains unallocated for 1987. Due to the expected high expenditure for the Ottawa Street B.I.A. in 1988 (estimated over \$200,000), the 1987 excess funds will be carried over to 1988.

cc: Mr. E. C. Matthews, City Treasurer
Treasury Department

Mr. E. A. Simpson, City Clerk
City Clerk's Department
Attention: Mr. J. Schatz, Secretary
Executive Committee

Mr. K. Rouff, City Solicitor
City Solicitor's Department
Attention: Mr. P. M. Eker, Legislation Counsel

SCHEDULE 'A'

1987 Implementation Costs

<u>Business Improvement Area (B.I.A.)</u>	<u>Implementation</u>	<u>Cost</u>
Concession Street	- 6 new poles with banners	\$ 9,000
	- 1 drinking fountain	3,500
	- sidewalk repairs & brick pavers (Upper Wentworth)	19,000
	- Concession St., Poplar to Viewpoint	11,500
	- Concession St., E. 18th to E 19th	9,000
	- 6 wrought iron benches	3,600
Westdale Village	- boulevard, sidewalk improvements (Sterling St., North Oval to King St.)	\$ 10,000
	- island improvements	36,000
	- banners (14)	2,800
	- hanging flower baskets	6,750
	- shelters (4)	60,000
	- benches (4), paint old ones	1,500
Ottawa Street	- trees and buffering to the entrance, exits - parking lots	\$110,000
International Village	- 6 wrought iron benches	\$ 3,600
	- 40 hanging flower baskets	20,000
		<u>\$306,250</u>
	Contingency 20%	61,250
		<u>\$367,500</u>
	Administration 10%	30,625
	TOTAL	<u>\$398,125</u>

6e.

FOR ACTION

FROM E. W. Kowalski, Director
Community Development **DATE** 1987 July 8

TO Planning & Development Committee **Refer To File No.** 800-0014.6

Attention Of _____

Your File No. _____

SUBJECT

International Village Business Improvement Area - Amendment to By-law No. 86-212 Appointing the Board of Management

RECOMMENDATION

- i) That, Item 16 of the 13th Report of the Planning and Development Committee, adopted by Council on 1987 June 23 be rescinded; and
- ii) That, By-law No. 86-212 appointing the International Village Business Improvement Area Board of Management be amended to delete the following names:

Mary Bowden, Vice-Chairman
Ruth Rehak, Secretary-Treasurer
Dino Tedesco
Maria Petrou
Austin Murray
Solly Adler

And, add the following names:

Michelle Galante, Vice-Chairman, Modern Furs, 165 King Street East
Julie O'Brien, Secretary, Bizarre Bazaar, 167½ King Street East
Frank Lauinger, Treasurer, The Audio Store, 201 King Street East
Bill Elliot, Director, Money Mart, 241 King Street East

- iii) That, the City Solicitor be authorized and directed to amend By-law No. 86-212 pursuant to (ii) above.

BACKGROUND

Item 16 refers to By-law No. 81-47; the appropriate By-law is No. 86-212. As stated in section 217, Sub-section 6 and 8 of the Municipal Act:

- 6) "A Board of Management is a body corporate and shall consist of such a number of members appointed by Council."

- 8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

The Board of Management is attached.

cc: Mr. P. Eker, City Solicitor's Department

INTERNATIONAL VILLAGE
BUSINESS IMPROVEMENT AREA

BOARD OF MANAGEMENT

CHAIRMAN:

Gerd Thompson, G. W. Thompson Jewellers
191 King St. E., Hamilton 525-9448

Duties: to preside over all meetings and from time to time call general meetings and special meetings as the need arises.

Vice Chairman:

Michele Galante, Modern Furs Ltd.
165 King St. E., Hamilton 527-3031

Duties: to exercise the duties of the Chairman in the Chairman's absence.

Secretary:

Julie O'Brien, Bizarre Bazaar
167½ King St. E., Hamilton 527-8085

Duties: to record facts and minutes of all meetings and proceedings and give notices required to members, and to be the custodian of all books records, contracts and correspondence belonging to the Board of Management.

Treasurer:

Frank Lauinger, the Audio Store
201 King St. E., Hamilton 522-4061

Duties: to receive and bank all monies due the B.I.A., keep full and accurate accounts of receipts and disbursements of the B. of M., to disburse funds by cheque whenever possible as approved by the Treasurer and one of the following: the Chairman, Vice Chairman or Secretary. To submit a monthly statement to the B. of M. and have available a financial report and audited statement.

OTHER VOTING MEMBERS:

Bill Elliot, The Money Mart
214 King St. E., Hamilton 521-0591

Gary Frydman, Gary's New York Men's Wear
209 King St. E., Hamilton 527-6537

6f.

F O R A C T I O N

FROM E. W. Kowalski, Director
Community Development Department **DATE** 1987 July 7

TO Planning & Development Committee **Refer To File No.** 800-0014.12

Attention Of _____

Your File No. _____

SUBJECT

Barton Street East Community Improvement Plan; Commercial Facade Loan Programme and Commercial Improvement Programme.

RECOMMENDATION

- i) That the attached Community Improvement plan for Barton Street East from Wellington to Wentworth Streets (Barton General Business Improvement Area) attached hereto as Appendix "A" be adopted in order to implement the Commercial Facade Loan Programme;
- ii) That the City Solicitor be hereby authorized and directed to prepare the requisite by-law and;
- iii) That, the City Solicitor be hereby authorized to submit to the Province, Ministry of Municipal Affairs, the Community Improvement Plan for Barton Street East for their approval,
- iv) That, the Planning and Development Committee hold a public meeting to present the Community Improvement Plan.

BACKGROUND

On 1987 June 23 By-law #87-178 was passed designating the corresponding Community Improvement Project Area. The Planning Act, Section 28, Sub-section 7 (1983) stipulates that, "For the purpose of carrying out the community improvement plan the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan." In order to implement the Commercial Facade Loan Programme on Barton Street East, the Community Improvement Plan must be adopted by by-law and approved by the Ministry of Municipal Affairs.

cc: Mr. P. M. Eker, City Solicitor's Department

APPENDIX "A"

BARTON GENERAL B.I.A.

COMMUNITY IMPROVEMENT PLAN

JULY 1987

BARTON GENERAL BUSINESS IMPROVEMENT AREA (B.I.A.)

PURPOSE:

TO ESTABLISH A PLAN FOR THE BARTON GENERAL B.I.A. IN ORDER TO IMPLEMENT THE CORPORATION OF THE CITY OF HAMILTON'S COMMERCIAL FACADE LOAN PROGRAMME AS A VEHICLE TO MEET THE IMPROVEMENT NEEDS OF THE AREA.

PREFACE:

THE CITY OF HAMILTON BY BY-LAW #87-178 PASSED THE 23RD DAY OF JUNE, 1987 ADOPTED A COMMUNITY IMPROVEMENT PROJECT AREA FOR BARTON STREET EAST FROM WELLINGTON TO WENTWORTH STREETS. THE WITHIN PLAN CONSTITUTES THE CORRESPONDING COMMUNITY IMPROVEMENT PROJECT PLAN.

INTRODUCTION:

WARDS (2) AND (3) ARE REFERENCED IN THE OFFICIAL PLAN. BARTON STREET EAST IS ONE OF THE MAJOR CONTINUOUS COMMERCIAL STRIPS IN THESE WARDS. TO ENCOURAGE CUSTOMERS TO UTILIZE THIS SERVICE, BUFFER TREATMENT IN THE FORM OF PLANTERS, HANGING FLOWER BASKETS, BENCHES AND POSSIBLY BRICK PAVERS, ETC. SHOULD BE IMPLEMENTED. THE OFFICIAL PLAN STATES: "COUNCIL WILL UNDERTAKE TO KEEP IN A FIT AND WELL MAINTAINED CONDITION ALL MUNICIPAL PROPERTIES AND OTHER PUBLIC WORKS." (SUB-SECTION C.5, S.4); AN IMPORTANT ASPECT OF IMPROVING VISUAL APPEARANCE OF THIS AREA INVOLVES UPGRADING OF EXISTING BUILDING FRONTS, NOT ONLY FROM THE POINT OF VIEW OF STREETSCAPE, BUT ALSO AS A TOOL FOR MERCHANTS TO IMPROVE THEIR OWN IMAGES. SINCE THE AVERAGE AGE OF THE EXISTING BUILDINGS IS APPROXIMATELY (80) EIGHTY YEARS OF AGE, THERE IS A NEED TO ENCOURAGE INDIVIDUAL OWNERS OF BUILDINGS TO RENOVATE VIA STREETSCAPE AND AVAILABILITY OF LOANS AND GRANTS I.E. FACADE LOAN, LOW-RISE, CONVERT-TO-RENT PROGRAMMES, COMMERCIAL IMPROVEMENT PROGRAMME.

IN ADDITION TO INCREASING THE ATTRACTIVENESS AND COMMERCIAL VIABILITY OF THE AREA, THROUGH STREETSCAPE IMPROVEMENTS, RENOVATION WILL INCREASE THE UTILIZATION OF EXISTING BUILDINGS; PREVIOUSLY UNUSED SPACE CAN BE TRANSFORMED INTO OFFICE OR APARTMENTS, ADDING TO THE VARIETY AND SAFETY OF THE BARTON STREET EAST AREA. TOGETHER, PUBLIC AND PRIVATE EFFORTS WORK TOWARDS THE GOAL OF ESTABLISHING AN ATTRACTIVE AND ECONOMICALLY HEALTHY SHOPPING AND MULTI-FUNCTIONAL CENTRE FOR THE BARTON STREET, NORTH-EAST AREA OF HAMILTON.

COMMERCIAL FACADE LOAN PROGRAMME BACKGROUND:

IN A REPORT SUBMITTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT DATED 1985 DECEMBER 10 AND INCLUDED IN ITS CAPITAL BUDGET SUBMISSION, THE PLANNING AND DEVELOPMENT COMMITTEE APPROVED THE ESTABLISHMENT OF A NEW COMMERCIAL FACADE LOAN PROGRAMME. SUBSEQUENTLY, CITY COUNCIL GAVE THE DEPARTMENT OF COMMUNITY DEVELOPMENT AUTHORIZATION TO PROCEED WITH IMPLEMENTATION OF THE COMMERCIAL FACADE LOAN PROGRAMME BY ADOPTING ITEM 10 OF THE TWELFTH REPORT FOR 1986 OF THE PLANNING AND DEVELOPMENT COMMITTEE, 1986 JUNE 24.

THE BARTON GENERAL BUSINESS IMPROVEMENT AREA, DESIGNATED AS A COMMUNITY IMPROVEMENT PROJECT AREA UNDER SECTION 28 OF THE PLANNING ACT, 1983, ALONG WITH THIS COMMUNITY IMPROVEMENT PLAN, ENABLES THE COMMERCIAL FACADE LOAN PROGRAMME TO BE IMPLEMENTED. THIS PROGRAMME IS DESIGNED TO PROVIDE LOW INTEREST LOANS TO OWNERS OF COMMERCIAL PROPERTIES LOCATED WITHIN BUSINESS IMPROVEMENT AREAS (B.I.A.'s). THE MAXIMUM LOAN AMOUNT IS ESTABLISHED AT \$15,000 PER MUNICIPAL ADDRESS AT AN INTEREST RATE OF ONE-HALF THE RATE AT WHICH THE CITY COULD BORROW THE MONEY. THE LOANS WILL BE AMORTIZED OVER TEN (10) YEARS. THE ATTACHED APPENDIX "B" CONSTITUTES THE COMMERCIAL FACADE LOAN PROGRAMME GUIDELINES. SCHEDULE "A" IS A MAP OF THE COMMUNITY IMPROVEMENT PROJECT AREA, OR AREA OF IMPLEMENTATION.

CONCLUSION:

THE COMMUNITY IMPROVEMENT PROJECT PLAN IS INTENDED TO BE ACTION ORIENTED, CONCENTRATING ON REHABILITATION OF EXISTING BUILDING FRONTAGES, RATHER THAN REDEVELOPMENT OR LARGE SCALE IMPROVEMENTS. OTHER IMPROVEMENT CHANGES WOULD INCLUDE MAINTENANCE AND CAMOUFLAGING OF UTILITY SERVICES AS STATED IN THE OFFICIAL PLAN: "UTILITY SERVICES SHOULD BE CAMOUFLAGED, AND IF APPROPRIATE, PLACED UNDERGROUND" (SUB-SECTION B.4.4.3). THE BEST APPROACH TO REVITALIZATION AND ENHANCEMENT OF BARTON STREET'S ROLE IN THE COMMERCIAL HIERARCHY OF THE CITY, IS TO RECOGNIZE THE INTER-RELATIONSHIP BETWEEN BUILDING FACADE STREETSCAPE DESIGN AND MARKETING STRATEGY. WITH THIS IN MIND, THE COMMUNITY IMPROVEMENT PLAN IS FORMULATED WITH A VIEW TO BALANCING THE INTER-RELATED CONCERNS.

GUIDELINES

- LIMITED TO BUSINESS IMPROVEMENT AREAS (B.I.A.'S).
- ALL LOANS AT AN INTEREST RATE HALF OF THE CITY'S PRIME BORROWING RATE.
- MAXIMUM LOAN AMOUNT \$15,000. FOR FAÇADE AND EXTERIOR RENOVATION.
- MAXIMUM LOAN FOR FAÇADE \$10,000.
- LOAN AMORTIZED OVER TEN YEARS (OPEN).
- THE BUILDING ENVELOPE WOULD BE INSPECTED, INCLUDING EXTERIOR SHELL (FOUNDATION, EXTERIOR WALLS, ROOF, FIRE ESCAPES AND CHIMNEYS). ANY DEFICIENCIES WOULD HAVE TO BE CORRECTED BEFORE FAÇADE IMPROVEMENTS (STORE FRONTS, AESTHETICS, SIGNAGE, ETC.) WOULD BE CONSIDERED.
- LOAN SECURED BY LIEN ON TITLE. PROFESSIONAL FEES (ARCHITECTS, ENGINEERS, APPRAISERS, SOLICITORS, ETC.) ELIGIBLE EXPENSE.
- OWNERS ONLY COULD MAKE LOAN. HOWEVER, TENANTS COULD WORK WITH LANDLORDS, BUT LANDLORD MUST TAKE THE FINANCIAL COMMITMENT.
- EQUITY MUST BE SUFFICIENT TO COVER OUTSTANDING PROPERTY COMMITMENTS INCLUDING CITY LIEN.
- REPAYMENT WILL BE ON A MONTHLY BASIS BUT OPEN TO FULL REPAYMENT AT ANY TIME AT NO PENALTY.
- ALL MONEY COLLECTED ON REPAYMENT TO BE PLACED IN A RECYCLABLE ACCOUNT TO CONTINUE PROGRAMME AFTER ORIGINAL CAPITAL BUDGET ALLOCATION.
- MAXIMUM LOAN TO ANY ONE OWNER \$50,000.
- UNIT ELIGIBILITY WILL BE BASED ON LATEST REVISED BUSINESS ASSESSMENT ROLLS.
- LOANS TRANSFERABLE TO NEW OWNER PROVIDING NEW OWNER MEETS AND AGREES TO TERMS AND CONDITIONS OF LOAN.
- THE OWNER WILL OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR FAÇADE IMPROVEMENTS WANTED BY OWNER. (THE BUILDING DEPARTMENT WILL APPROVE THE ESTIMATES BASED ON THEIR INSPECTION). A FULL REPORT WILL BE PREPARED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT INCORPORATING OUR RECOMMENDATIONS AND THE BUILDING DEPARTMENT'S. THESE, WITH THE APPLICATION, WILL THEN BE FORWARDED TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL FOR APPROVAL.

11/11/86

1805

- PROPERTY TAXES MUST BE CURRENT.
- IF COST OF FAÇADE IMPROVEMENT EXCEEDS \$1,000., THE OWNER WILL BE REQUESTED TO OBTAIN THE SERVICE OF A DESIGN CONSULTANT TO ENSURE COMPATIBILITY WITH THE SURROUNDING PROPERTIES. ANY COST FOR THIS SERVICE WILL BE ELIGIBLE FOR FUNDING UNDER THE PROGRAMME.
- ONLY COMPLETED WORK WHICH HAS BEEN INSPECTED WILL BE PAID FOR.
- EXTERIOR REHABILITATION WORK WILL, IF AT ALL POSSIBLE, BE DONE FIRST BEFORE FAÇADE IMPROVEMENT.

CANADIAN

E.3 S.334



7a.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 June 29
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No 20.1.60(2738)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

**Release of Building Covenants - B.N.W. Holdings Limited
Lots 2, 3 & 4, Plan M-227, Rymal Road East**

RECOMMENDATION

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to B.N.W. Holdings Limited, the present owners of 1245 Rymal Road East, Hamilton to release the property from the construction covenants to the City as contained in deed number 93467 LT.

BACKGROUND

In adopting Item 18 of the Fifth Report of the Board of Control, City Council on January 9, 1979 approved the sale of Lots 2, 3 and 4, Plan M-227 to B.N.W. Holdings Limited.

On February 15, 1980 this sale was completed (93467 LT).

Contained in the aforementioned deed are construction covenants which state that B.N.W. Holdings Limited must commence construction of a 30,000 square foot building by no later than August 15, 1980 and complete said building by no later than August 15, 1981. Construction was started June 9, 1980 and completed November 10, 1980, and the completed building contains 31,428 square feet.

06 1987

1987 June 29
Planning & Development Committee
Page 2

BACKGROUND - Continued...

This department supports the request from Mr. Fred J. Lee, Solicitor on behalf of B.N.W. Holdings Limited to release the construction covenants contained in deed number 93467 LT in order to clear up the title.

All covenants as noted above have been fulfilled.

c.c. - Mr. K.A. Rouff, City Solicitor



7b.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 July 8
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 20.1.138(4504)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Lot 12, Hamilton Industrial Park No. 1
D.B. Savage Industrial Sales Limited

RECOMMENDATION

That the City Solicitor be authorized to take immediate action to repurchase Lot 12, Plan M-227, Hamilton Industrial Park No. 1 on Nebo Road.

BACKGROUND

On November 5, 1979, the City of Hamilton conveyed Lot 12, Plan M-227, to D.B. Savage Industrial Sales Limited. Contained in the deed was a covenant that this firm must commence the construction of a 10,000 square foot building by May 5, 1980.

For various reasons over the next several years, Savage Industrial Sales Limited was granted extensions of the construction dates by City Council. There were four extensions in total and on May 27, 1986 City Council granted one final extension with the understanding that the City would take legal action to repurchase the lot.

BACKGROUND - Continued...

The original purchase agreement calls for the City to repurchase the 1.103 acre site for the original purchase price (\$41,921.60) less the amount of any encumbrance, charges or liens whatsoever affecting the said lands, and less the amount of any unpaid taxes or charges respecting the said lands.

The City has made every effort to assist D.B. Savage Industrial Sales Limited in providing extra time to commence their proposed building and we feel that we must proceed at this time to repurchase the lot.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
 - Mr. M. Chidley, Regional Surveyor



THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 July 8
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 1.8.289(4502)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Quit Claim Deed - Rear Land of
Frid Construction Company Limited - 100 Frid Street

RECOMMENDATION

- (1) That a Quit Claim Deed be prepared by the City Solicitor releasing all of the City's interest on the land at the rear of 100 Frid Street shown as Part 4 on Reference Plan 62R-8749.
- (2) That the Mayor and City Clerk be authorized to execute the said Quit Claim Deed.

BACKGROUND

The original deed to Frid Construction Company Limited in 1948 indicated that the westerly limits of its land was the top of the Chedoke Ravine Brow as it existed in 1948.

By deed registered on August 5, 1922, the abutting owner, the City of Hamilton received a grant of certain lands, the easterly limit of which was also the top of the Chedoke Ravine Brow as it existed in 1922.

Over the years the brow has moved westerly through accretion and the Frid Construction Company Limited has used and occupied the land on top to the edge of the brow as it existed from time to time continuously since they received conveyance in 1948.

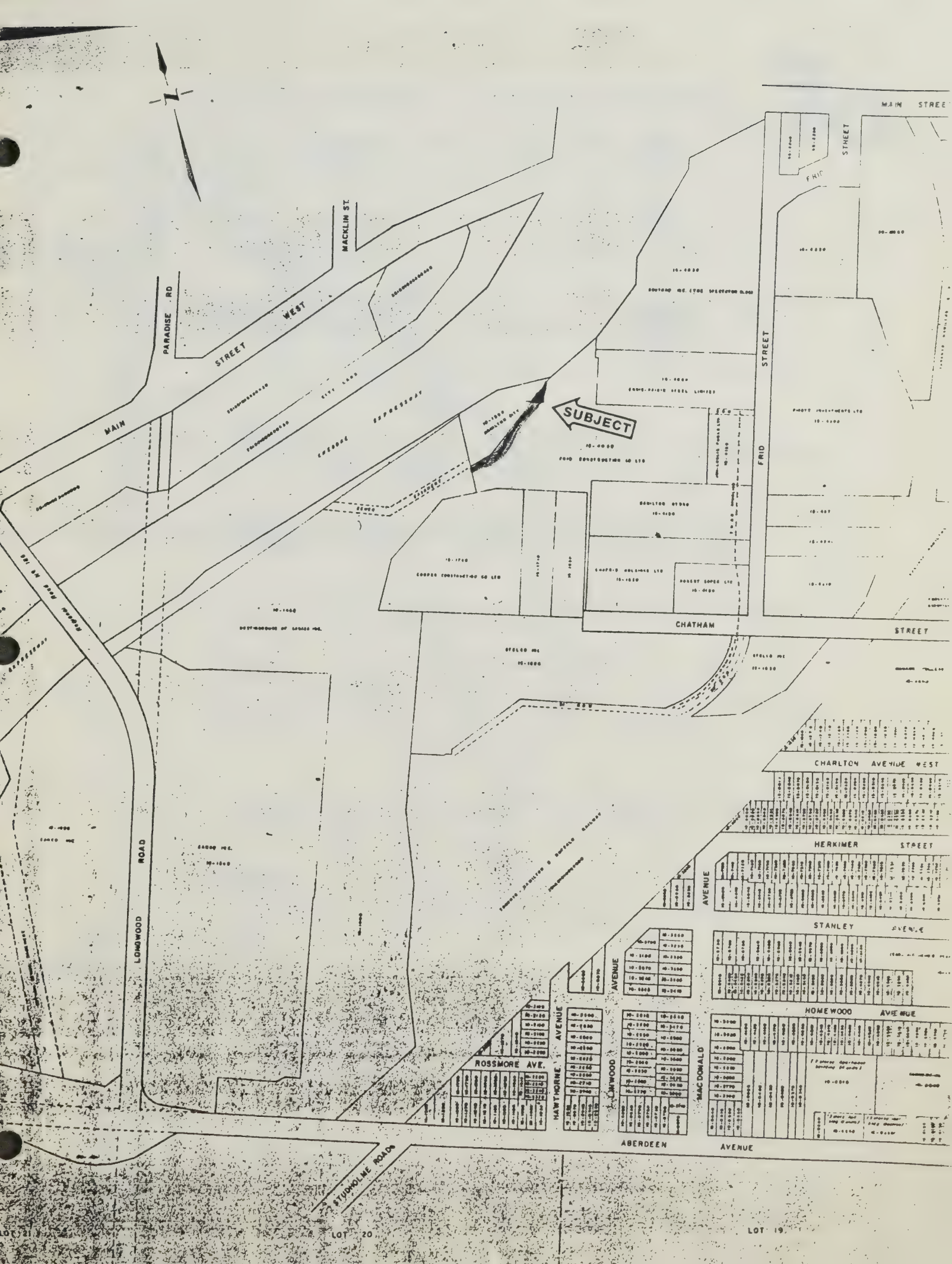
BACKGROUND - Continued...

In order to correct the registered title, Mr. David Ferguson, solicitor for Frid Construction Company Limited, requested a Quit Claim deed of the City's interest in Part 2 on Reference Plan 62R-8749. At the time, his intention was to include the subject parcel of land described as Part 4 on the same plan. However, this land having a total area of 28,860 square feet was inadvertently omitted.

In adopting Item 23 of the Seventh Report of the Planning and Development Committee on April 14, 1987, City Council authorized a Quit Claim deed releasing the City's interest in the above mentioned land described as Part 2 on Reference Plan 62R-8749.

This department is now recommending approval of a Quit Claim deed to release the City's interest in the remaining land at the rear of 100 Frid Street known as Part 4 on Reference Plan 62R-8749 in order to correct the paper title.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
 - Mr. M. Chidley, Regional Surveyor



SUBJECT

ROSSMORE AVE.

HAWTHORNE AVENUE

CHATHAM AVENUE

MACDONALD AVENUE

HOMERIDGE AVENUE

STANLEY AVENUE

HERKIMER STREET

CHARLTON AVENUE WEST

CHATHAM STREET

FRID STREET

FRID STREET

MAIN STREET

MACKLIN ST

STREET WEST

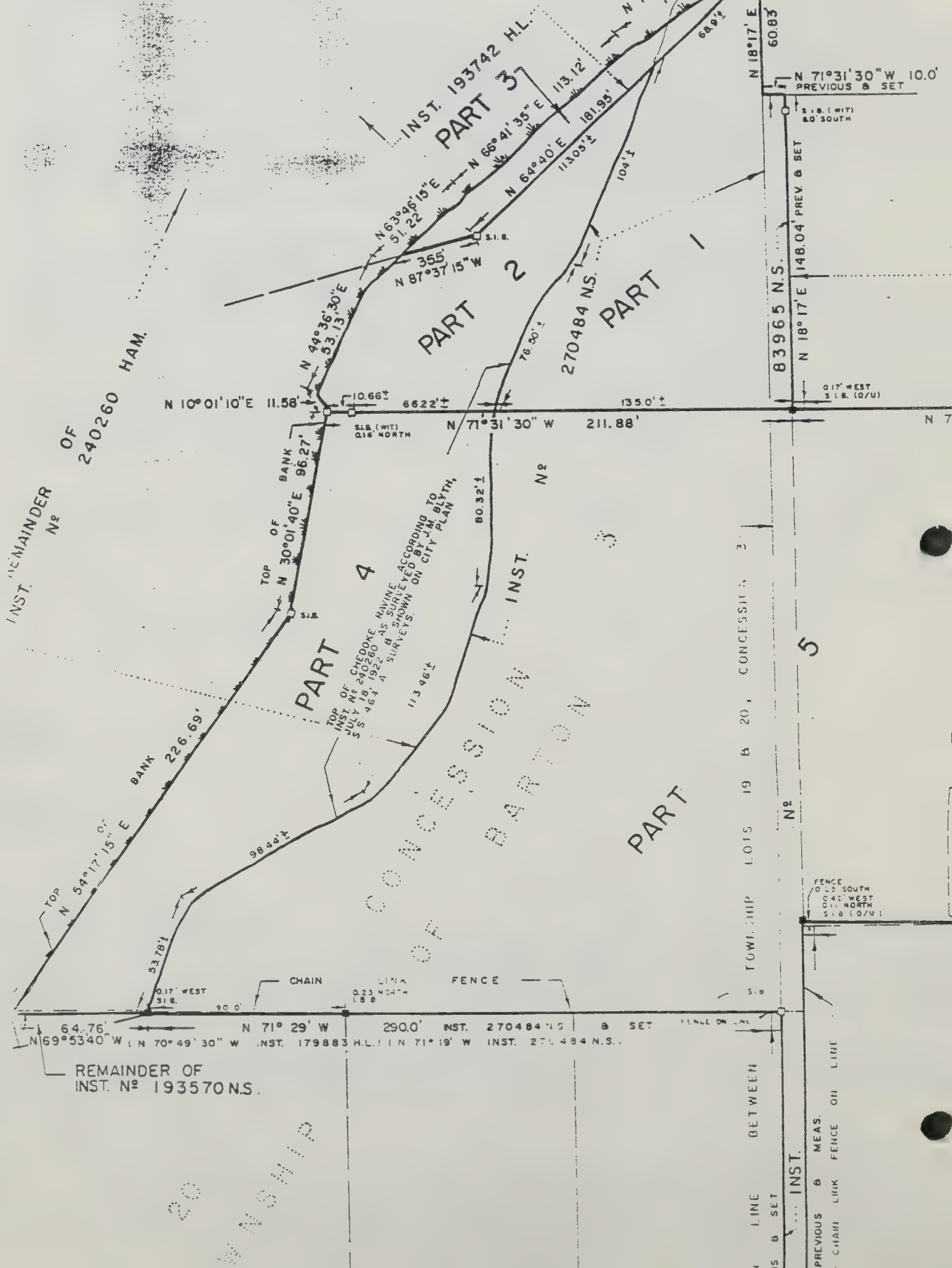
PARADISE RD

LONGWOOD ROAD

STUDOLME ROAD

CHEDOKE
THE

PART OF 62R-8741



MEMORANDUM • CITY OF HAMILTON

8a.

TO : Mrs. S. K. Reeder,
Acting Secretary,
Planning & Development Committee

YOUR FILE:

FROM : P. M. Eker

OUR FILE : 40-5.0(34)

SUBJECT : Appeals to the Ontario
Municipal Board

DATE : 1987 July 8

Further to your memo of June 30, 1987, the following are my comments on each matter:

- (a) "Does the City have to pay the \$125 appeal fee to the Ontario Municipal Board when there is an objection to the City's By-law, or is it the responsibility of the appellant?"

Comment: Yes. The position of the Ontario Municipal Board is that the appeal is against a City By-law therefore, the City is responsible for the fee.

- (b) "Does the Ontario Municipal Board dismiss "frivolous" appeals outright without holding a Hearing?"

Comment: No. The Board may dismiss the appeal without holding a full Hearing, but before so dismissing the appeal the Board must notify the appellant and afford the appellant an opportunity to make representations as to the merits of the appeal.

- (c) "If a Hearing is held for the purpose of dealing with what is ultimately viewed as a "frivolous" objection, are the costs of the Hearing levied against the objector?"

Comment: The awarding of costs is within the discretion of the Ontario Municipal Board. The Board may on its own initiative award costs or, upon the request of the City, it may award or refuse to award costs.

P. M. Eker,
for K. A. Rouff,
City Solicitor.

PME:js

MEMORANDUM • CITY OF HAMILTON

TO : Mr. K. A. Rouff
City Solicitor

YOUR FILE:

FROM : S. K. Reeder, Acting Secretary
Planning & Development Committee

OUR FILE :

SUBJECT : Appeals to the
Ontario Municipal Board

DATE : 1987 June 30

At its meeting held Wednesday, 1987 June 24th, the Planning and Development Committee discussed the procedures under The Planning Act with respect to processing appeals through the Ontario Municipal Board.

The Committee requested comments from you on the following matters:

- (a) Does the City have to pay the \$125 appeal fee to the Ontario Municipal Board when there is an objection to the City's By-law, or is it the responsibility of the appellant?
- (b) Does the Ontario Municipal Board dismiss "frivolous" appeals outright without holding a Hearing?
- (c) If a Hearing is held for the purpose of dealing with what is ultimately viewed as a "frivolous" objection, are the costs of the Hearing levied against the objector?

Your response to these inquiries is appreciated.

SKR:jf

c.c. Alderman J. Smith, Chairman, Planning and Development Committee
c.c. Alderman S. Collins

FOR ACTION

8b.


FROM K. A. Rouff, City Solicitor **DATE** 1987 July 8
Chairman and Members
TO Planning & Development Committee **Refer To File No.** _____
Attn: Mrs. S. K. Reeder, **Attention Of** P.M. Eker
Acting Secretary **Your File No.** _____


SUBJECT

By-law Respecting Site Plan Control Areas.

RECOMMENDATION

That City Council enact the attached By-law.





BACKGROUND

1. On September 25, 1979, By-law No. 79-275 was enacted to establish site plan control areas in accordance with The Planning Act, R.S.O. 1970, Ch. 349, as amended. The site plan control areas are identical with various zoning districts listed in the by-law and require site plans for development in those districts.
 2. The attached by-law does only one thing, it updates references to The Planning Act, 1983 in By-law No. 79-275.
- c.c. Mr. J. J. Zipay, Division Head,
Development & Urban Design Division,
Planning & Development Committee
- c.c. Mr. P. Kuppe,
Building Commissioner

Respecting:

SITE PLAN CONTROL AREAS

WHEREAS By-law No. 79-275, passed on the 25th day of September, 1979, established site plan control areas in the City of Hamilton in accordance with subsection 35a(2) of The Planning Act, R.S.O. 1970, Chapter 349, as re-enacted by The Planning Amendment Act, S.O. 1979, Chapter 59, section 1;

AND WHEREAS the said subsection 35a(2) of The Planning Act has been further re-enacted by The Planning Amendment Act, S.O. 1983, as section 40;

AND WHEREAS it is intended to update references in By-law No. 79-275 to the 1983 Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 79-275 is amended by inserting after the first preamble the following:

"**AND WHEREAS** section 40 of The Planning Act, 1983 provides as follows:

(2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law designate the whole or any part of such area as a site plan control area.

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34."

2. Subsection 2 of the said by-law is repealed and the following is substituted therefor:

2. For the purpose of this by-law, the following classes of development mentioned in subsection 40(1) of The Planning Act, 1983, may be undertaken without approval of plans and drawings otherwise required under subsection 40 (4) of the said Act.

1. single-family dwellings;
2. two-family dwellings.

PASSED this day of A.D. 1987.

City Clerk

Mayor



9a.

THE CORPORATION OF THE CITY OF HAMILTON

S. K. Reeder, Acting Secretary
FROM Planning & Development Committee DATE 1987 June 26
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. _____

TO: CITY COUNCIL ☐ (OR) Planning & Development ☒
Committee

SUBJECT

RECOMMENDATION

BACKGROUND

Attached herewith is a Report from the Urban Design Committee respecting City owned land east of the proposed parking garage on York Boulevard, known as the Triangle.

This item was REFERRED BACK to the Planning and Development Committee by City Council at their meeting held Tuesday, 1987 June 23rd.

FOR ACTION

ADDED
22 a.

FROM Urban Design Committee
TO Planning and Development Committee

DATE May 28, 1987

Refer To File No. P5-4-7-13

Attention Of V. J. Abraham

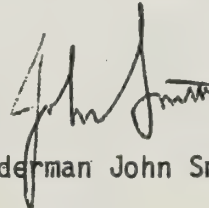
SUBJECT

City owned land east of proposed parking garage on York Boulevard known as the Triangle.

RECOMMENDATION

That the City owned land east of the proposed parking garage on York Boulevard not be sold until comprehensive development plans are prepared by a private developer for the area between Vine St., York Boulevard, James St. and the proposed parking garage.

That the City owned land be landscaped (Plan 1) as part of the streetscaping on the north side of York Boulevard between MacNab St. and James St. North.


Alderman John Smith

BACKGROUND

On the advice of CAPIC, the Planning and Development Committee had requested that the Urban Design Committee prepare development guidelines for the City-owned land east of the proposed garage at York Boulevard. The Urban Design Committee discussed development potentials and urban design implications at its meeting, April 27, 1987 (Minutes attached Appendix 1). The Committee felt that development of part of the site was desirable in accordance with a draft design guide (Appendix 2).

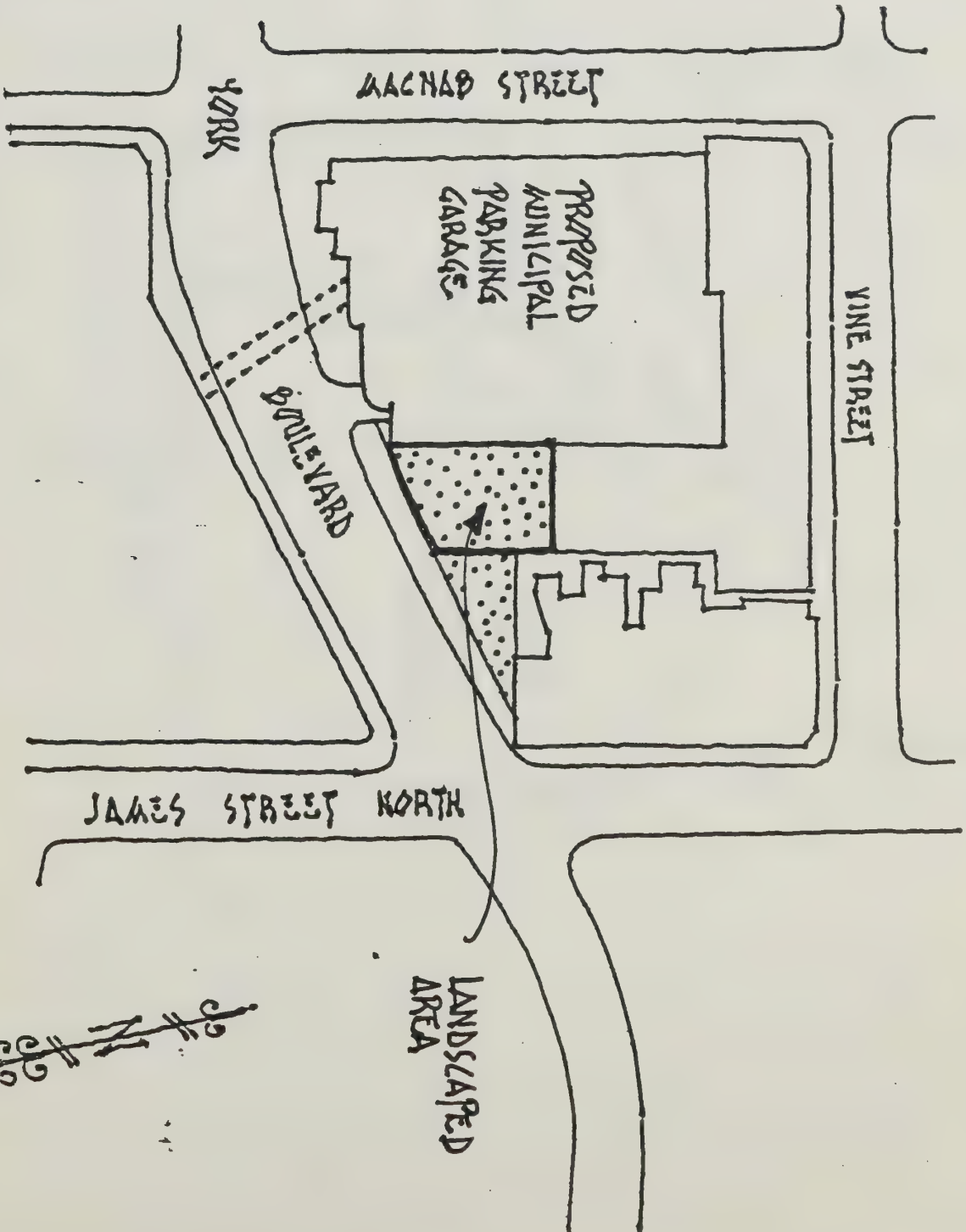
Mr. Latner, who owns several properties on James Street North, was invited to discuss and explain the various potentials of the site from a developer's and investor's perspective. He indicated that a comprehensive development including part of the triangle, his property and perhaps other property would be appropriate for the long term future of the area. The Urban Design Committee felt that Mr. Latner's ideas had merit and agreed that the Triangle should be landscaped in the interim.

\$100,000 has already been allocated by the City for landscaping the area between MacNab St. and James St. N. on the north side of York Boulevard.

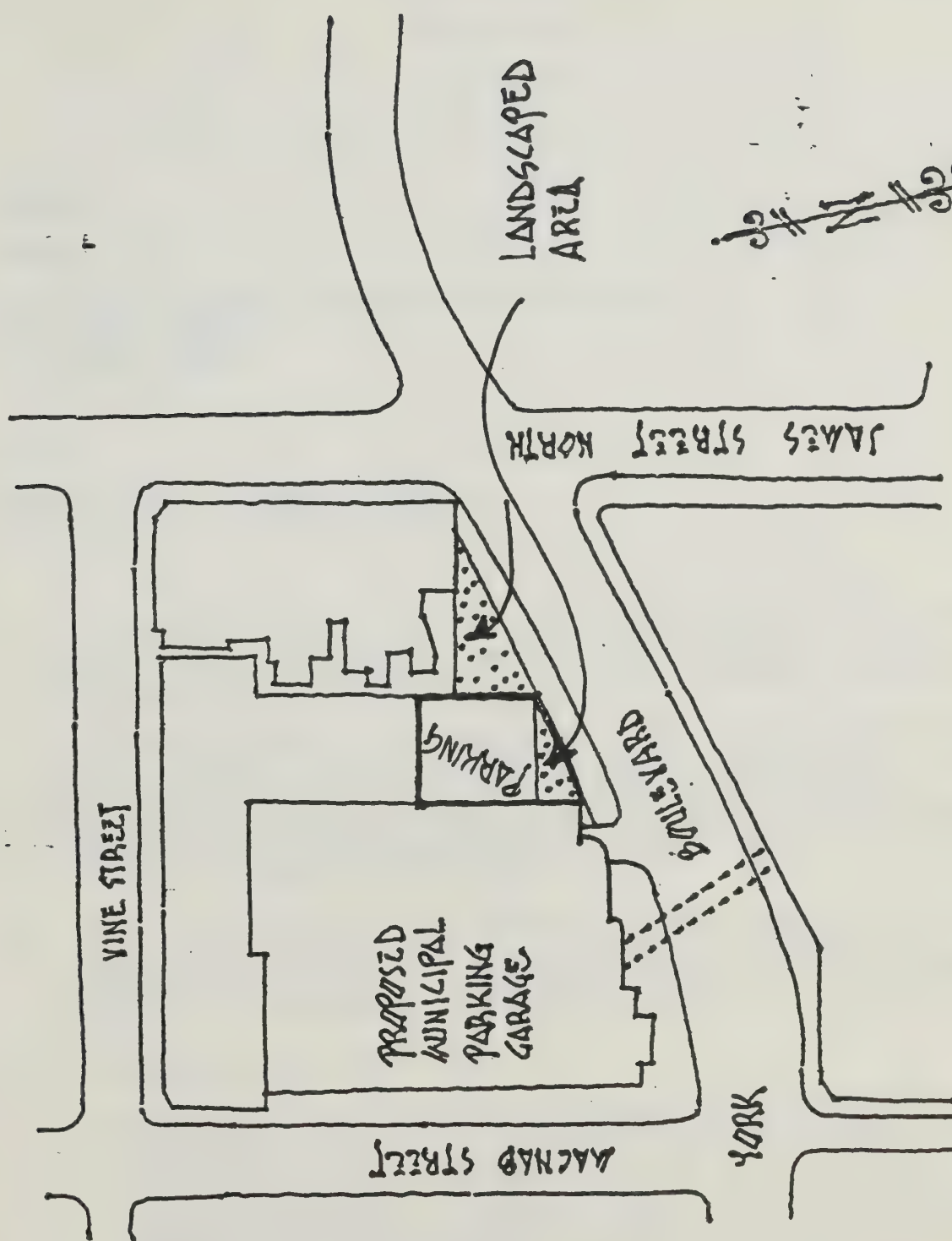
It was also noted by the Urban Design Committee that part of the Triangle could be used for car parking in conjunction with Mr. Latner's car park to the north in accordance with Plan 2. Although this would provide income for the City this was not the Committee's preferred option.

V.M.:nd
W.P. DOC. 0533P

PREFERRED ALTERNATIVE



PLAN #1.



POSSIBLE ALTERNATIVE

PLAN #2.

URBAN DESIGN COMMITTEE

27 APRIL 1987

2:30 P.M.

PRESENT

MEMBERS :

John Harkness - Design Professional Vice Chairman
Diane Dent - LACAC
Gil Simmons - CAPIC

OTHERS

Vladimir Matus - Planning Department
David Godley - Planning Department

1. John Harkness took the chair and introduced the subject of the meeting - an urban design brief for the triangle of land next to the proposed parking garage on York Boulevard. The minutes of March 27 were passed.
2. David gave information on ownership - Mr. Latner owns the parcel of land to the north and several properties on James Street North; on traffic - the Traffic Department would like a service lane at the rear of properties on James Street North to serve both the James Street North properties and new development; value - the Real Estate Department estimate the value to be \$250,000.
3. Vladimir gave information on pedestrian accesses, access to sun, and serial views along York Boulevard and Wilson. It was noted the site faced south and would not be significantly affected by overshadowing from proposed new development to the east or south.
4. In discussion it was felt that:
 - a) the whole site was desirable for landscaping. However part could be developed for commercial to present a satisfactory aspect to York Boulevard and to have some monetary return on the property. There should be a setback from York Boulevard for access to the parking garage from the east and possibly a patio area for a restaurant which would be the most desirable use. Landscaping in front of the building should be maximized.
 - b) Residential is unsuitable on the upper floors. Some form of commercial should be on the upper floors. Possibly part of the restaurant could be on the second floor as there would be a good view of York and James.
 - c) The height should be at least two stories and not more than the height of the buildings on James Street North (about 4 stories).

- d) The option of a pedestrian walkway along the alleyway (so that the backs of property on James Street North could be opened up) should be kept.
 - e) The building should form an architectural transition between the proposed parking garage and existing properties on James Street North.
5. It was felt that the City should invite architectural/price tenders in accordance with a design brief.
 6. Vladimir will draw up a draft design brief and circulate to members two weeks before the next meeting.
 7. Mr. Latner will be invited to the next meeting to discuss the situation.
 8. John brought up the issue of an operation spring clean and it was decided to look at this as part of the priorities for the Committee.
 9. The next meeting will be at 3:30 p.m. on Monday, May 27, 1987.

DG/jmd
W.P. 0488P

URBAN DESIGN GUIDELINES FOR THE MUNICIPAL OWNED PROPERTY
ADJACENT TO THE PROPOSED GARAGE AT YORK BOULEVARD

1. SETBACK / See enclosures

Alternative One - Most Preferable

Alternative Two -

Alternative Three - Least Preferable

NOTE: If the developer should select the third alternative, then a generous setback at the street level should be encouraged to provide a public space protected against the elements.

2. HEIGHT

The maximum height of the development should not exceed the average height of the surrounding buildings, i.e. about 50' (see enclosure). The minimum height should not be lower than a two storey building.

3. BUILDING DESIGN

It should be taken into consideration that the building would be highly visible from James Street North and thus it would become an integral part of the James Street North visual environment. Also, any open or public space created in conjunction with this new development would be an integral part of open spaces located on the east side of James Street North.

4. MOVEMENT

The new building will recognize the possibility of rear servicing on James Street North extending from Vine to York Boulevard and the potential for use of the alleyway as a pedestrian route.

5. QUALITY

The new building will be of high quality to reflect the prime location in the downtown area.



9b.

THE CORPORATION OF THE CITY OF HAMILTON

FROM Mrs. S. K. Reeder, Acting Secretary
Planning & Development Committee DATE 1987 June 29
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. _____

TO: CITY COUNCIL ☐ (OR) Planning & Development ☒
Committee

SUBJECT

RECOMMENDATION

BACKGROUND

BACKGROUND

Attached herewith is a Report from the Planning and Development Committee respecting a Proposal to amend the Hamilton-Wentworth Official Plan to relocate a proposed district shopping centre and designate lands for residential purposes in the Town of Ancaster.

This item was REFERRED BACK to the Planning and Development Committee by City Council at its meeting held Tuesday, 1987 June 23rd.

F O R A C T I O N

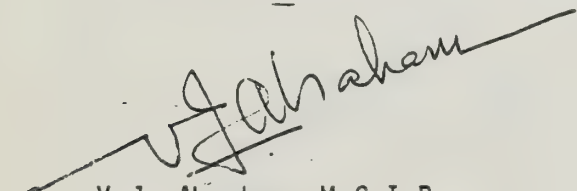
FROM Planning and Development Department DATE May 15, 1987
TO Planning and Development Committee Refer to File No. P-7-3
Attention Of V.J. Abraham

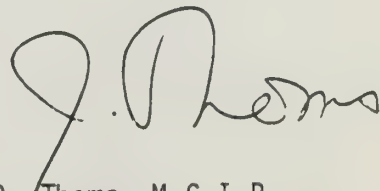
SUBJECT

Proposal to amend the Hamilton-Wentworth Official Plan to relocate a proposed district shopping centre and designate lands for residential purposes in the Town of Ancaster.

RECOMMENDATION

That the Planning and Development Committee recommend to Council that the City Clerk inform the Regional Municipality of Hamilton-Wentworth that the City does not object to the proposed amendment to the Hamilton-Wentworth Official Plan to relocate a proposed shopping centre and to designate lands for residential purposes in the Town of Ancaster.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

The proposed amendment to the Hamilton-Wentworth Official Plan would permit the relocation of a proposed district shopping centre from a site at Mohawk Road and Highway 403 to a site approximately 800 metres to the east. The amendment would also change the designation of lands located approximately 400 metres from the Town of Ancaster and City of Hamilton boundary from "Industrial Business Parks" to "Residential and Related Uses".

BACKGROUND

The subject lands are within the area previously known as the "Allarco" lands. By order of the Ontario Municipal Board, a designation for a 23,000 square metre (250,000 square feet) district shopping centre exists at the corner of Mohawk Road and Highway 403. The applicants are proposing to relocate the shopping centre site approximately 800 metres to the east along Mohawk Road. (See attached map - Appendix 1.) In addition, they are proposing to redesignate lands located approximately 400 metres from the boundary of the City of Hamilton and the Town of Ancaster, south of Golf Links Road, to allow residential uses. These lands are currently designated "Industrial Business Park" in the Hamilton-Wentworth Official Plan.

ANALYSIS

The proposed district shopping centre will likely serve a portion of the "west mountain" area of Hamilton. However, given the fact that the necessary designations for the shopping centre already exist, the proposal to relocate it 800 metres to the east will not likely change its impact on the City of Hamilton.

The proposal to redesignate lands from industrial to residential uses should not impact the City of Hamilton.

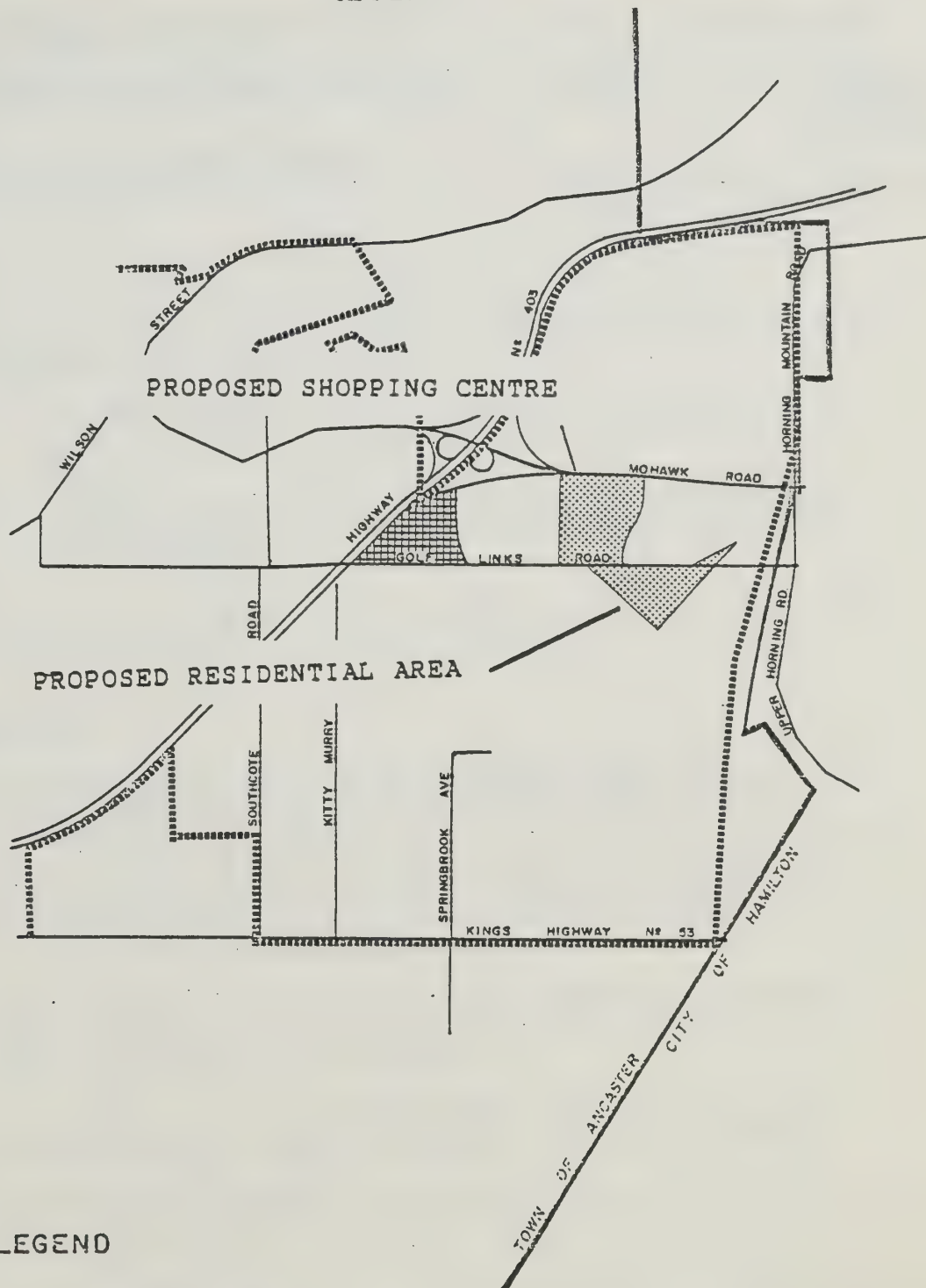
CONCLUSION

The proposed changes to the Hamilton-Wentworth Official Plan will not adversely affect the City of Hamilton.



DO/1m

W.P. DOC. NO. 0183P (13-14)

APPENDIX 1



LEGEND

- ANCASTER / HAMILTON CITY LIMITS
- ANCASTER URBAN AREA BOUNDARY
-  LANDS TO BE REDESIGNATED FROM RESIDENTIAL AND RELATED USES TO INDUSTRIAL
-  LANDS TO BE REDESIGNATED FROM INDUSTRIAL TO RESIDENTIAL AND RELATED USES.



MAY, PYRIE & ASSOCIATES LIMITED
COMMUNITY PLANNING & DEVELOPMENT CONSULTANTS
124 LOCUST STREET, BURLINGTON, ONTARIO
L7S 1V2 (416) 632-4066

10.

F O R A C T I O N

FROM Planning and Development Department

DATE May 25, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-41

BRULEVILLE
NEIGHBOURHOOD

NOTE: NOT FOR PUBLIC MEETING.

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning for the property located at No. 864 Upper Wentworth Street on the following basis:

Block "1" Change in zoning from "AA" (Agricultural) District to "E" Multiple Dwellings, Lodges and Clubs, etc.), District;

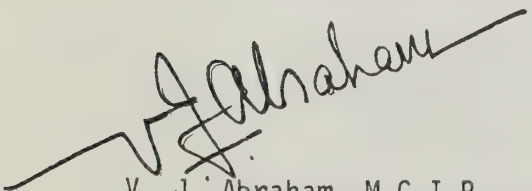
Block "2" Change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District

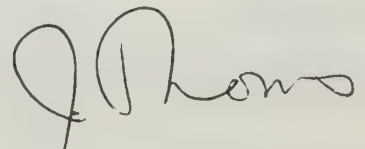
The purpose of the proposed change in zoning is to permit the development of the subject lands for a 6 storey, 60 unit apartment building.

RECOMMENDATION

That Zoning Application 86-41, Joe Ng, prospective owner, requesting a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit the development of the subject lands for a 6 storey, 60 unit apartment building, for the property located at No. 864 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

- a) it is incompatible with the surrounding development including single family dwellings to the north and south and the proposed single family dwellings to the west.
- b) it is contrary to the established road pattern and land use designations in the approved Bruleville Neighbourhood Plan.
- c) approval of the application would set an undesirable precedent for future similar applications.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

MAY 27 1987

COMMUNITY DEVELOPMENT

APPLICANT

Joe Ng, prospective owner.

LOT SIZE AND AREA

- o 42.37 m (139 ft.) of lot frontage;
- o 76.4 m (251 ft.) of lot depth; and
- o 3,241.19 m² (34,889 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Vacant	"AA" (Agricultural District "C" (Urban Protected Residential, etc.) District
<u>Surrounding lands</u>		
To the north and south	Single family dwellings	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District
To the east	Vacant, Burger King, Commercial	"HH" (Restricted Community Shopping and Commercial, etc.) District
To the west	Vacant	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". Policy C.7.2. states that:

"Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient space to maintain privacy, amenity and value."

Since the proposed apartment dwelling is not compatible with the surrounding single family dwellings, the proposal does not comply with the Official Plan. A site specific special policy area should be created to permit the proposal.

NEIGHBOURHOOD PLAN

The subject lands are designated "Single and Double" housing in the approved Bruleville Neighbourhood Plan. In addition, the eastern portion of the applicant's property extends into the proposed roadway. Based on the above, the proposal does not comply with the neighbourhood plan. A redesignation from "Single and Double" housing to "Medium Density Apartments" is required to permit the proposal.

COMMENTS RECEIVED

- o The Building Department and Hamilton Region Conservation Authority have no comments or objections.
- o The Traffic Department has advised that:
"The proposed rezoning is not in accordance with the approved neighbourhood plan in that it introduces a high density residential development into an area originally intended as Urban Protected Residential ("C" District). We would suggest that this type of intrusion seriously threatens the viability of continued development in accordance with the approved neighbourhood plan in the area. While we would be prepared to support the provision of higher density residential development on those properties adjacent to Upper Wentworth Street we cannot extend that support to properties intended to have frontage inside the neighbourhood."
- o The Hamilton-Wentworth Engineering Department has advised in part that:

(See attached comments).

COMMENTS

1. The proposal conflicts with the intent of the Official Plan.
2. The proposal cannot be supported for the following reasons:
 - a) it is incompatible with the surrounding residential character of the neighbourhood including the existing single family dwellings to the south and north and the proposed single family dwellings to the east.
 - b) it is contrary to the established road pattern and land use designation in the approved Bruleville Neighbourhood Plan.

- c) it conflicts with the Official Plan.
 - d) an approval of the application would set an undesirable precedent for future similar applications.
3. If the application is to be approved, a public meeting will have to be held to satisfy the Public Notification Requirements set out in the Planning Act.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

J.H.:nd

W.P. DOC. 0519P

DATE July 3, 1987

Refer to File No. ZA-87-43
KENNEDY EAST
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations applicable to property located at the south-west corner of Rymal Road West and Upper James Street. The purpose of the application is to demolish the existing buildings located at 5 Rymal Road West and 1616 to 1628 Upper James Street, and to redevelop the site with a gas bar and automatic tunnel car wash.

RECOMMENDATION

1. That approval be given to Zoning Application ZA-87-43 Sunoco Inc., owner, requesting a modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations applicable to property located at the south-west corner of Rymal Road West and Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances and special provisions:
 - a) Notwithstanding Section 14A(1)(d) of Zoning By-law No. 6593, a gas bar and a high speed mechanical car wash shall be permitted;
 - ii) That Section 18 - Supplementary Requirements and Modifications of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances and special provisions:
 - a) Notwithstanding Section 18(3)(iv)(e) of Zoning By-law No. 6593 the pylon sign located at the north-west corner of the site shall be set back a minimum of 3.0 m from the street line; and,

- b) The pylon sign located at the north-east corner of the site shall be set back a minimum of 4.0 m from the northerly side property line adjacent to Rymal Road West;
- c) Notwithstanding Section 2.(2)J.(xxvi) - Miscellaneous Definitions and Section 18.(3)(vi), the following encroachments on yards be permitted:
 - five floodlight poles to be located within 1.0 m of any property line;
 - two vacuum machines to be located within 3.0 m of the northerly side lot line;
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-9D and W-9E be notated S- ;
- iv) That the City Solicitor be directed to prepare a by-law to amend zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

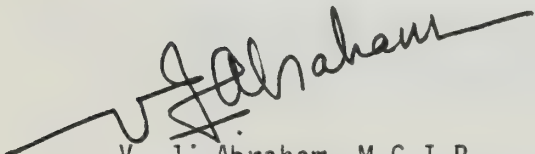
The purpose of this By-law is to provide for a modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations applicable to the subject lands located at the south-west corner of Rymal Road West and Upper James Street as shown on the attached map.


The effect of the By-law is to permit a gas bar and a high speed mechanical car wash on the property.

In addition, the By-law provides for the following variances:

- to permit a high speed mechanical car wash as an accessory use, notwithstanding that the "HH" (Restricted Community Shopping and Commercial, etc.) District only permits either a manual car wash or a mechanical car wash utilizing not more than one bay or stall accessory to an automobile service station or public garage - Section 14A(1)(d);
- to permit a pylon sign at the north-west corner of the site to be located within 3.0 m of the northerly side property line, whereas a minimum set back of 6.0 m is required - Section 18(3)(ivc)(e);
- to permit a pylon sign at the north-east corner of the site to be located within 4.0 m of the northerly side property line, whereas a minimum set-back of 6.0 m is required - Section 18(3)(ivc)(e);

- to permit floodlight poles (5) to be located within 1.0 m of any property line instead of 12.0 m in the case of the front yard and 6.0 in the case of a side yard; Section 2.(2)J.(xxvi) and Section 18.(3)(vi); and,
- to permit two vacuum machines to be located within 3.0 m of the northerly side lot line instead of 6.0 in Section 2.(2)J.(xxvi) and Section 18.(3)(vi).


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

Sunoco Inc., owner.

LOT SIZE AND AREAS

- 56.415 m (185.00 ft.) of lot frontage on Rymal Road West;
- 53.367 m (175.00 ft.) of lot flankage on Upper James Street; and,
- 3,904 m² (42,023 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	service stations and retail commercial uses	"HH" (Restricted Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	a service station and two single-family dwellings	"HH" (Restrict Community Shopping and Commercial, etc.) District "AA" (Agricultural) District
to the south	retail commercial uses	"HH" (Restricted Community Shopping and Commercial, etc.) District

to the east	MacDonald's Restaurant and a service station	"G-1" (Designed Shopping Centre) District and "HH" (Restricted Community Shopping and Commercial, etc.) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Commercial", the proposal complies.

NEIGHBOURHOOD PLAN

Designated "Commercial" on the approved Kennedy East Neighbourhood Plan, the proposal complies.

BACKGROUND

The applicant has submitted a preliminary site plan of the proposed development (see APPENDIX "B" attached) which provides for a tunnel car wash building, and a gas bar with a covered pump island and a kiosk. Accessory structures include two pylon signs, two vacuum cleaning stations and five flood light poles.

COMMENTS RECEIVED

- The Building Department has advised as follows:

"Modification to permit a car wash (see definitions of types - 2(2)4(1a) Page 2.23). What are the setback dimensions for? Required yards are 12.0 m minimum front (Upper James) - 6.0 m minimum side yard and 6.0 m minimum rear yard (west). Visual barrier required on west lot line - 18(3)(ivc)(c). Pylon sign at north-west corner 6.0 m minimum from property line 18(3)(ivc)(e). By-law No. 6593 does not permit floodpoles or vacuums in required yards. Pylon signs at north-east corner shall comply with 14A(3)(a), 18(3)(ivc)(c) and 2.(2)J.(xxvi)."

- The Traffic Department has advised that:

"The application for a modification to the zoning to permit the proposed car wash is satisfactory. The approval of the modification should not be considered as approval of the preliminary plan and we wish to advise that a detailed review of the plan will be conducted at the Site Plan Control stage of development. Our preliminary review indicates that some relocation of the access and/or the car wash building may be required."

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance widths of Rymal Road is 36.0 m (118.11 feet), of Upper James Street is 36.58 m (120 feet) with a 12 m daylight triangle from the widened limits of the intersecting street lines.

Specific road widenings plans have been prepared for this section of Upper James Street based on the centreline of constructed on Upper James Street due to the job in the road allowances at this location.

We have attached a copy of the working plans for this road widening prepared by the Regional Surveys Department and the road allowance widenings shown on the site plans should be revised to show these requirements.

We recommend as a condition of development approval, that these lands required for road widening purposes be dedicated to the Region.

Any work within the adjacent road allowances, as widened, must conform to the Region's Roads Use By-Law.

The applicant should be advised that the widening and reconstruction of Upper James Street and Rymal Road may include the construction of the raised concrete median islands which may restrict access to the subject lands. The preliminary site plans submitted by the applicant may be revised with respect to access and building locations but these details can be finalized at the site plan stage. The details may involve extending the concrete median islands, etc."

- That Hamilton Region Conservation Authority has no objections.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Kennedy East Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - o it is situated at the intersection of two major arterial roads, Upper James Street and Rymal Road West where such uses are preferred;
 - o the property is located within the Upper James Street corridor which is conducive to highway-oriented type uses, such as that proposed;

- it will result in revitalization of this corner of Upper James Street and Rymal Road West by removing existing buildings which are in a poor state of repair;
 - the established "HH" zoning already permits a service station (gas bar) use together with a single bay mechanical car wash accessory to the service station use. However, it would not permit the requested mechanical high speed type car wash use, therefore, the need for the zoning modification;
4. The preliminary site plan submitted with the application established the following by-law variances:

Permitted/Required

Proposed

Section 18.(3)(ivc)(d)

visual barrier required along the westerly property line adjoining the Residential "C" District

None

This variance cannot be supported as the property directly adjoins a residential property.

Section 18.(3)(ivc)(e)

Pylon sign at the north-west corner to be set back from the street line 6.0 m minimum as per adjoining "C" District regulations

Located within 2.5 m of the northerly property line

Pylon sign at the north-east corner to be set back 6.0 m minimum as per adjoining "C" District regulations

Located within 4.0 of the property line

The above-noted variances can be supported as they are minor in nature.

Section 2.(2)J.(xxvi) Miscellaneous Definitions
Section 18.(3)(vi) Encroachments on Yards

To permit floodlight poles or vacuum cleaning machines in required yards

Front yard 12.0 m
Side yard 6.0 m

Five floodlight poles either on the lot line or just within the lot line, and two vacuum machines located within 3.0 m of the northerly property line.

The Zoning By-law does not permit buildings or structures in required yards (Section 2.(2)J.(xxvi)). Uses such as floodlight poles, vacuum cleaning machines, flag staffs, airpumps, etc., uses normally associated with service stations, gas bars and car washes, are considered to be accessory structures. However, they are not specifically mentioned in Section 18.(3)(vi) of Zoning By-Law No. 6593 and therefore are not permitted. These accessory uses should be permitted and regulated under Section 18.(3)(vi).

The proposal to provide for the illumination of the driveway entrances can be supported. However, to ensure that the floodlight poles do not encroach into the road allowance, it is suggested that a minimum set-back from the property line of 1.0 m be established.

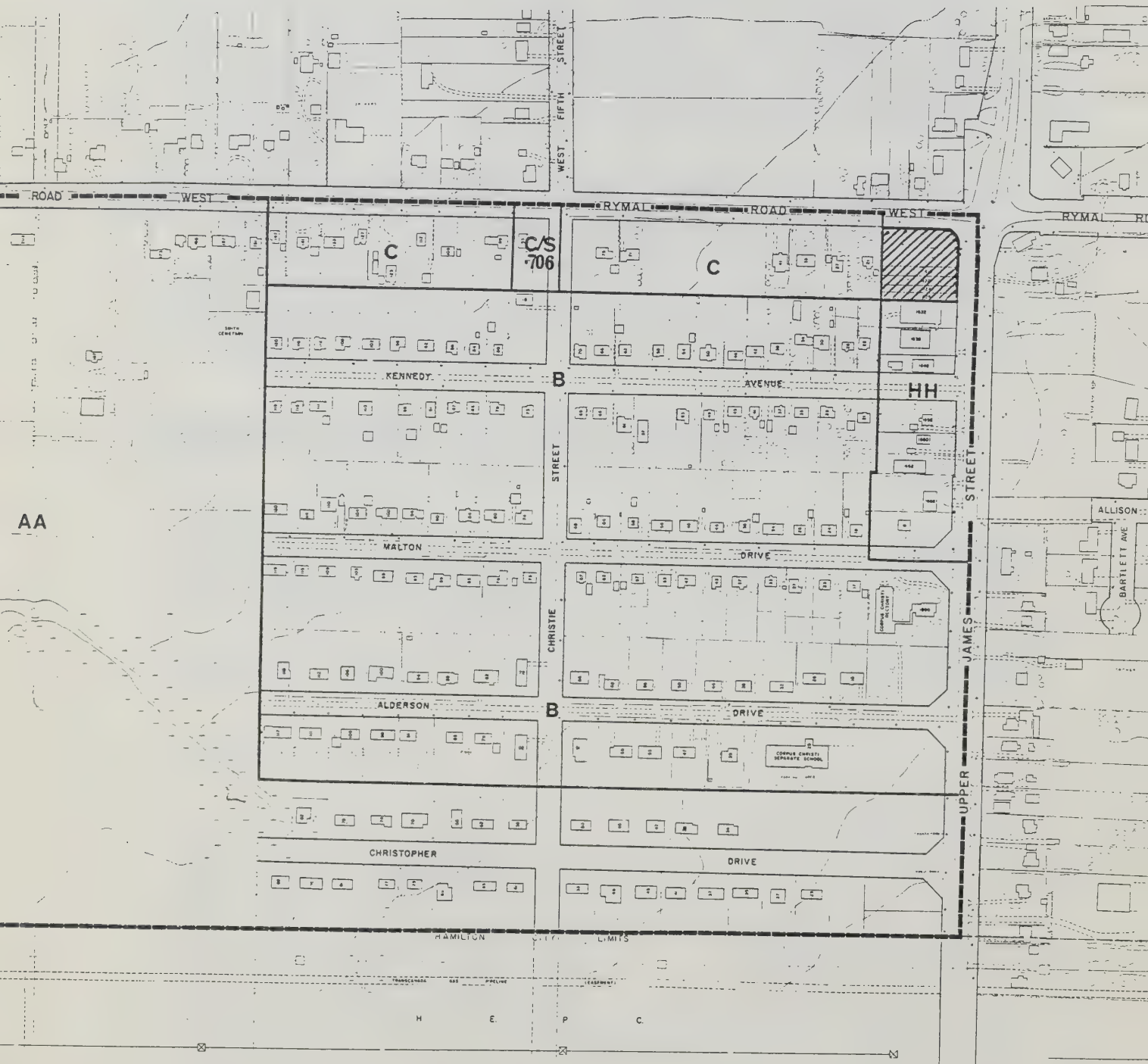
Regarding the proposed vacuum machines, a minimum set-back of 3.0 m or one half the side yard requirement (6.0 m) can be supported as these facilities are usually located on the periphery of the site to avoid traffic conflicts.

5. The applicant is advised that access to the site may be restricted at a future date by a raised median on both Rymal Road West and Upper James Street.

CONCLUSION

On the basis of the foregoing, the application can be supported.

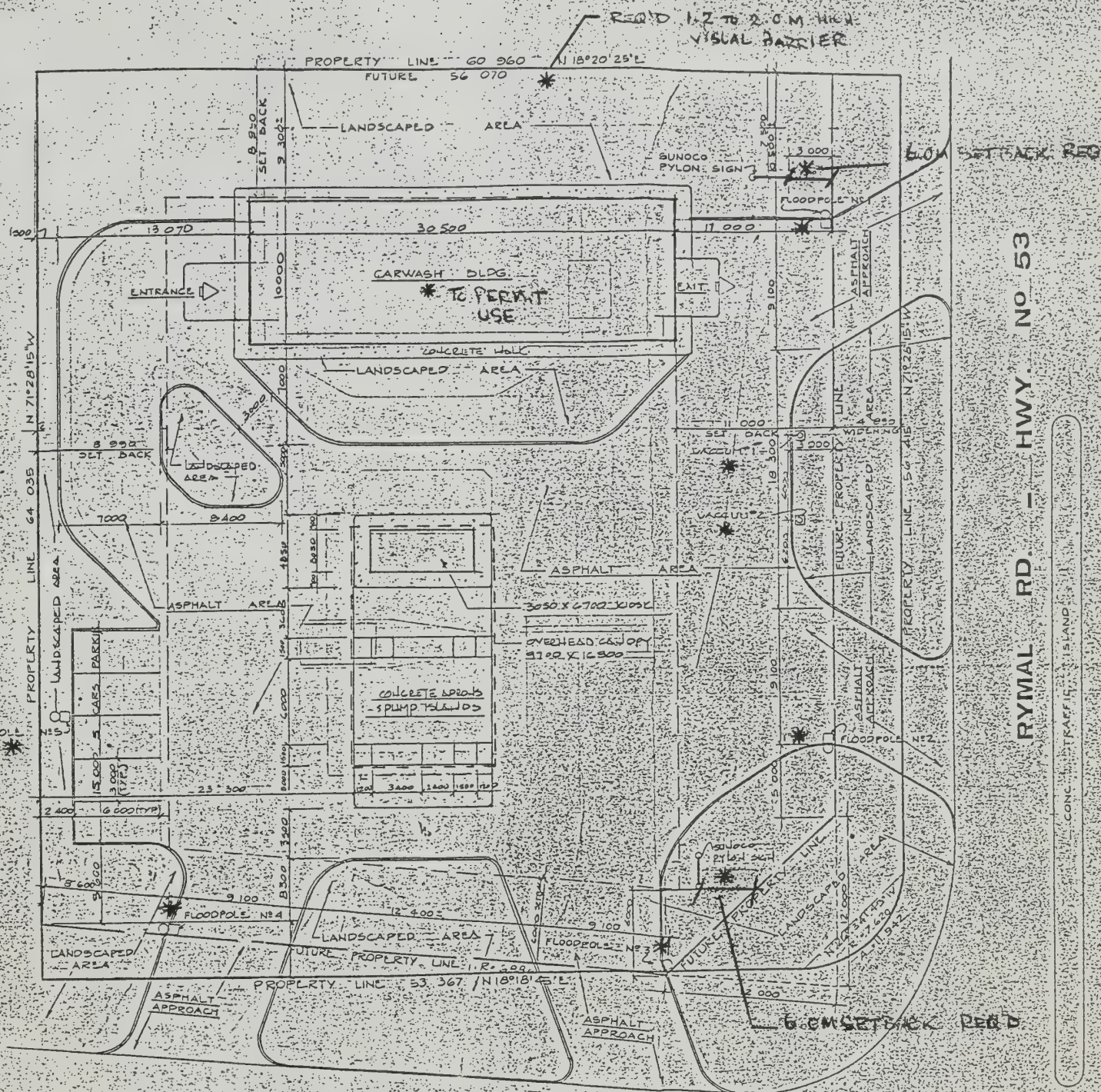
GAW/jd/cs
WPD0C 0420P(7)



LEGEND.



SITE OF THE APPLICATION.



UPPER JAMES ST. - HWY. NO 6

* VARIANCES

- TO PERMIT HIGH SPEED CAR WASH USE
- TO PERMIT PYLON SIGN WITHIN 3.0 M OF THE STREETLINE (6.0 M REQ'D)
- TO PERMIT PYLON SIGN WITHIN 4.0 M OF THE SIDE YARD (6.0 M REQ'D)
- TO PERMIT FLOODPOLES WITHIN YARDS
- TO PERMIT VACUUM MACHINES WITHIN YARDS

NOT COVERED IN SECTION 18 - ENCROACHMENT CH YARDS

FOR ACTION

12.

FROM Planning and Development Department

DATE June 26, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-46

ZA-87-70

GERSHOME

NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear portion of properties located at Nos. 2808, 2810 and 2812 King Street East. The purpose of the applications is to permit the subject lands to be zoned and developed uniformly with the front portion of the proposed lots fronting onto Vienna Street for single-family dwelling purposes.

RECOMMENDATION

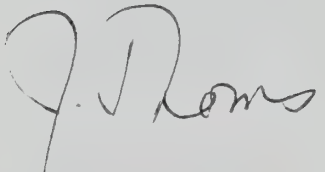
1. That approval be given to Zoning Applications ZA-87-46, Anne and John Norosel, owner, and ZA-87-70, Katherine and Richard Nash, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the rear portion of properties located at Nos. 2808, 2810 and 2812 King Street East, as shown on the attached map marked as APPENDIX "A" on the following basis:
 - i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - ii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map E-106;
 - iii) That the proposed change in zoning complies with the Official Plan for the Hamilton Planning area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear of properties located at Nos. 2808, 2810 and 2812 King Street East.

The effect of the By-Law is to rezone the rear portion of lands fronting onto Vienna Street from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to provide uniform zoning of the three lots to permit single-family development.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANTS

Anne and John Novosel and Katharine and Richard Nash, owners.

LOT SIZE AND AREA

(See Appendix "B" attached)

- Part 1 = 17.09 (56.06 ft.) of lot width; and, 2,056.69m² (22.138 sq. ft.) of lot area;
- Part 2 = 17.09 m (56.06 ft.) of lot width; and 569.50 m² (6,130.2 sq. ft.) of lot area;
- Part 3 = 19.34 m (65.40 ft.) of lot width; and, 358.45 m² (3,858.45 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Vacant	"AA" (Agricultural District)
<u>Surrounding lands</u>		
To the north	Single-family dwellings and a variety store	"HH" (Restricted Community Shopping and Commercial, etc.) District
To the south	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Single-family dwellings	"C" (Urban Protected Residential, etc.) District

To the west	Vacant lands	"AA" (Agricultural) District
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OFFICIAL PLAN

Designated "Residential" the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Gershome Neighbourhood Plan, the proposal complies.

BACKGROUND

- Land Division Committee Application

At its meeting held on February 17, 1987 the Regional Land Division Committee considered and approved land severance applications H-26-87 and H-27-87 to permit the severance of the rear portions of properties fronting onto King Street East (Parts 1, 2 and 3 on APPENDIX "B" attached) and to add these parcels to adjoining lands fronting onto Vienna Street to create three building lots for single-family dwellings. As conditions of approval of the applications, a change in zoning (subject applications) is required and the lands being conveyed must be registered in the same name and title as the lands which they are being added to.

COMMENTS RECEIVED

- The Building Department has no comment.
- The Traffic Department find the proposal satisfactory.
- The Hamilton-Wentworth Engineering Department has no objection. Arrangements should be made to lift the one-foot reserve on Vienna Street (part 13 on Reference Plan 62R-6380).
- The Hamilton Region Conservation Authority has no objection.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Gershome Neighbourhood Plan.

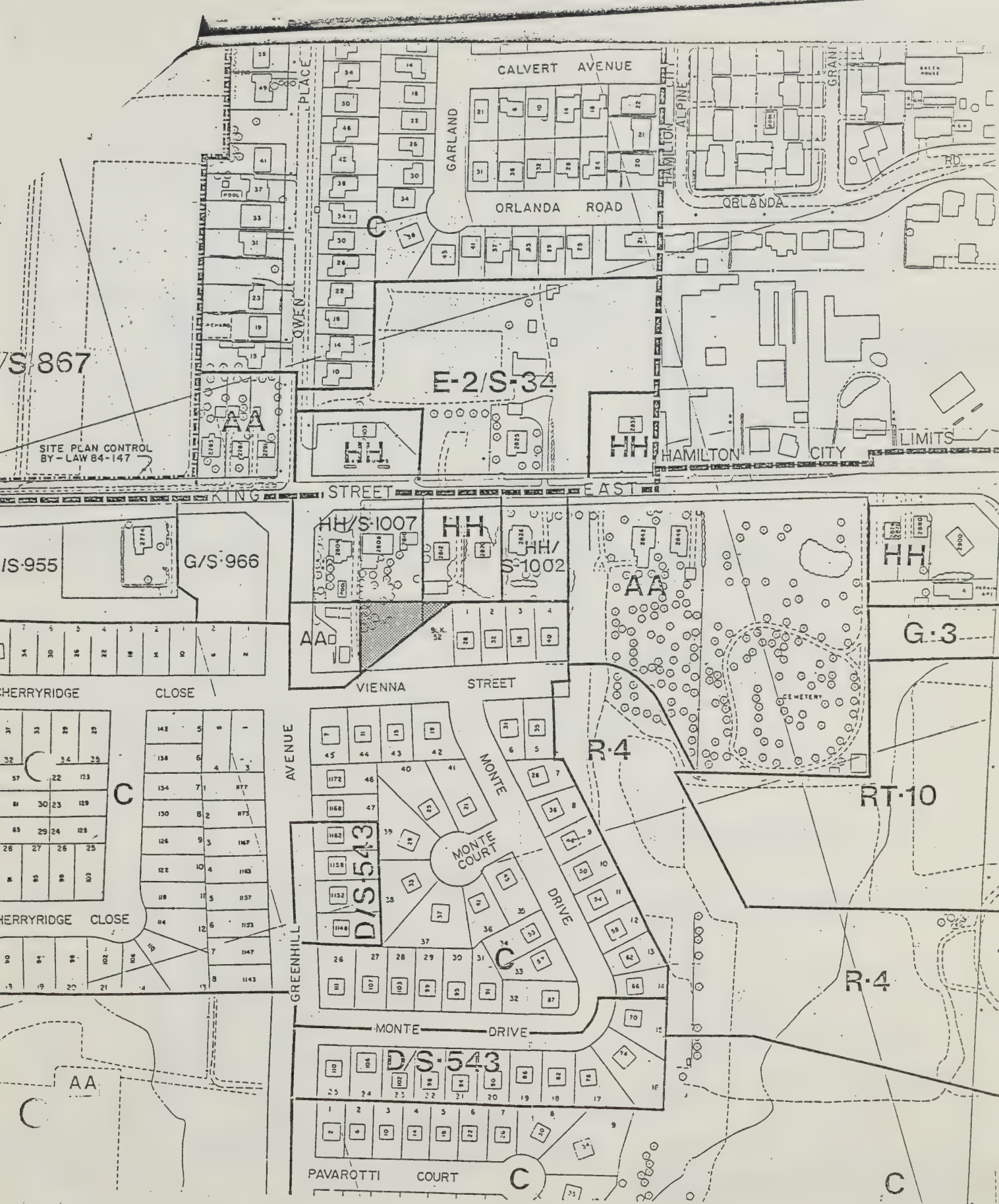
3. The proposal has merit and can be supported for the following reasons:
 - it implements the conditions of approval of land severance applications H-26-87 and H-27-87;
 - it would be compatible with existing and proposed single-family development at this location;
 - the proposed lots (3) will have sufficient lot frontages and areas to meet with the requested "C" District regulations.
4. Any conditions of approval with regard to road widenings, financial requirements, etc. will be acquired at the final land severance stage of development.

CONCLUSIONS

On the basis of the foregoing, the application can be supported.

G.A.W.:nd

W.P. DOC. 0573P



LEGEND



SITE OF THE APPLICATIONS



ZA 87-46
ZA 87-70

APPENDIX A

PART	LOCATION	INSTRUMENT N°	AREA
1		REMAINDER OF 165915 H.L.	2056.69 m ²
2	LOT 27 CONCESSION 4	165915 H.L. (REMAIN.) & 118/22 H.L.	569.50 m ²
3	TOWNSHIP OF SALT FLEET	30471 CO	358.45 m ²

PLAN 62R-8344

RECEIVED AND DEPOSITED:

1986 08 28 *John Fleming ADLR*
 DATE LAND REGISTRAR FOR THE REGISTRY
 DIVISION AND THE LAND TITLES
 DIVISION OF WENTWORTH (N° 62)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE
 REGISTRY ACT AND THE LAND TITLES ACT

AUGUST 21, 1986 *Lawrence Dawdy*
 DATE LAWRENCE DAWDY

PARTS 4, 5 & 6 - PART OF PARCEL PLAN-1, SECTION 62M-336
 PARTS 4, 5 & 6 - SUBJECT TO AN EASEMENT AS SET
 OUT IN INSTRUMENT N° 120311 L.T.

EET EAST ROAD ALLOWANCE BETWEEN CONCESSIONS 3 AND 4

4T13 PLAN 62R-5638
 MEAS.
 N 75°06'W
 13.679

118 (1319)
 CUT CROSS (USED)
 (ORIGIN UNKNOWN)
 15.186 DEED
 15.850 DEED
 15.010 SOUTH
 (ORIGIN UNKNOWN)
 25.378 DEED

4 WEST CORNER OF
 27, CONCESSION 4

N 75°06'W MEAS.
 310 (N° 635)

REFERENCE PLAN
 SHOWING

BLOCK 52 - BATTLERIDGE SUBDIVISION (PHASE 1)
 REGISTERED PLAN N° 62M-336

ALSO

PART OF LOT 27 - CONCESSION 4
 GEOGRAPHIC TOWNSHIP OF SALT FLEET
 ALL NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:500

0 5 10 15 20 metres

A. J. CLARKE O.L.S.
 1986

LOT 27
 CONCESSION 4
 GEOGRAPHIC TOWNSHIP OF SALT FLEET

CAUTION:

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE
 MEANING OF THE PLANNING ACT

METRIC:

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN
 BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND:

SIGN THUS □ DENOTES A SURVEY MONUMENT PLANTED
 SIGN THUS ■ DENOTES A SURVEY MONUMENT FOUND
 SIGN THUS ○ DENOTES ROUND
 10 DENOTES IRON BAR
 310 DENOTES STANDARD IRON BAR
 3310 DENOTES SHORT STANDARD IRON BAR
 (H.O.R.) DENOTES HOLSTEAD, ORENDORFF & REDMOND LIMITED

BEARINGS ARE ASTRONOMIC AND REFERRED TO THE
 NORTHERN LIMIT OF VIENNA STREET ON A COURSE OF
 N 76°46'05"W AS SHOWN ON PLAN 62M-336.

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- 1 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
 WITH THE SURVEYS ACT, THE REGISTRY ACT AND THE LAND
 TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
- 2 THE SURVEY WAS COMPLETED ON THE 7TH DAY OF AUGUST, 1986.

AUGUST 21, 1986

DATE

A. J. Clarke
 A. J. CLARKE
 ONTARIO LAND SURVEYOR

A. J. CLARKE AND ASSOCIATES
 ENGINEERS AND SURVEYORS
 HAMILTON - ONTARIO

APPENDIX B

FOR ACTION

13.

FROM Planning and Development Department

DATE June 29, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-47

QUINNDALE
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District, modified, for property located at No. 965 Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

The purpose of the change in zoning is to demolish the existing single-family dwelling and permit the construction of a semi-detached dwelling on the subject lands.

RECOMMENDATION

That approval be given to Zoning Application ZA-87-47, L.A. Strictland, George Bauder, and Stone Church Developments, owners, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District, modified, for property located at No. 965 Stone Church Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:

- i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential, One and Two-Family Dwellings, etc.) District;
- ii) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-Law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:
 - a) That Section 10.(1)(iii) of Zoning By-Law No. 6593 shall not apply.
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-49C be notated S- ;

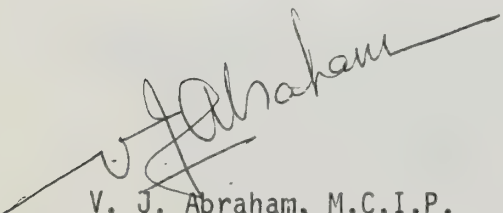
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49C;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in Zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District for property located at No. 965 Stone Church Road East as shown on the attached map marked as APPENDIX "A".

In addition, the By-Law provides for a modification to the "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to prohibit townhouse dwellings.

The effect of the By-law is to provide the appropriate zoning to permit the construction of a semi-detached dwelling on the subject lands.


V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development


J. D. Thoms, M.C.I.P.
Commissioner

APPLICANTS

L. A. Strickland, George Bauder and Stone Church Developments, owners.

LOT SIZE AND AREA

- 19.81 m (65.0 ft.) of lot frontage on Stone Church Road East;
- 36.57 m (120.0 ft.) of lot depth; and,
- 724.62 m² (7,800 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Single-family dwelling	"C" (Urban Protected Residential, etc.) District

Surrounding lands

To the north, south and west	Single-family dwelling	"C" (Urban Protected Residential, etc.) District
To the east	A semi-detached dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Quinndale Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections to the proposal.

- The Hamilton-Wentworth Engineering Department has submitted the following comments:

"Please be advised that public watermains as well as storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Stone Church Road is 30.48 m (100 feet). As a condition of development approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 15.24 m (50 feet) from the centre line of the original road allowance.

Any work within the Stone Church Road road allowance, as widened, must conform to the Region's Roads Use By-Law.

The grade of driveways in the road allowance should not exceed 3% from the widened edge of pavement to the property line.

The Region has prepared preliminary functional plans for the widening of this section of Stone Church Road. The applicant may wish to review these plans with our staff."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Quinndale Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it would be compatible with existing development in this area, comprised of both single-family and semi-detached dwellings;
 - the property exceeds the lot frontage and area regulations for semi-detached development;

It is noted that the lot has insufficient lot width to permit two single-family dwelling lots 23.99 m (78.74 ft.) required as opposed to 19.81 m (65.0 ft.)).

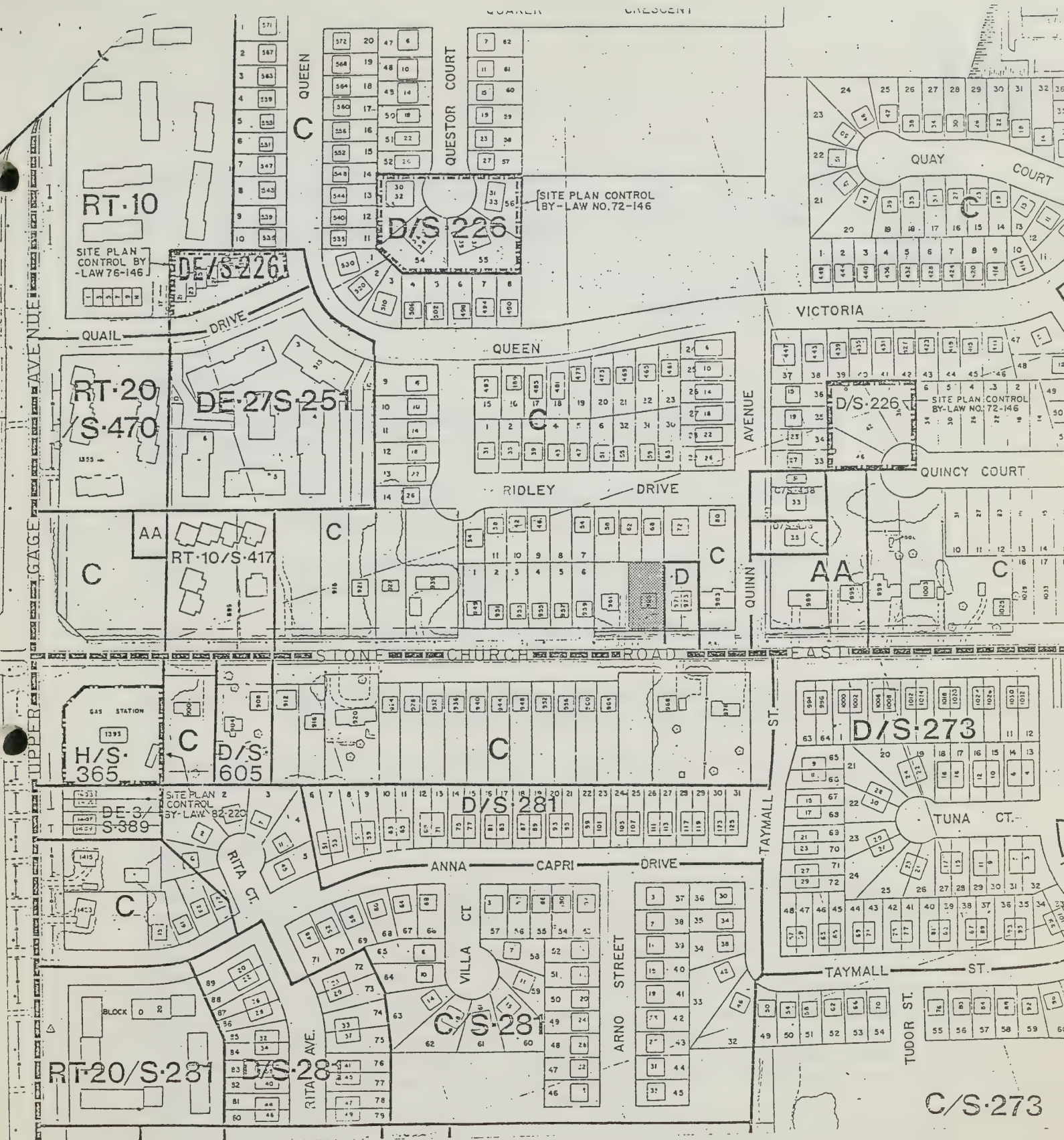
4. As the "D" District permits townhouse dwellings in accordance with the "RT-10" District regulations, a modification is required to delete this provision, as the approved Quinndale Neighbourhood Plan does not provide for townhouse development.
5. The road widening dedication recommended by the Hamilton-Wentworth Engineering Department can be acquired at the land severance stage of development.

CONCLUSION

On the basis of the foregoing, the application as proposed can be supported.

G.A.W.:nd

W.P. DOC. 0575P



LEGEND



SITE OF THE APPLICATION



14.

FROM	<u>Planning and Development Department</u>	DATE	<u>July 9, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	ZA-87-48
			MEWBURN NEIGHBOURHOOD
		Attention Of	V. J. Abraham

SUBJECT

Request for changes in zoning for the property located on the west side of Upper James Street, in the area south of Stone Church Road West on the following basis:

- Block 1 - From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- Block 2 - From "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial), etc. District.
- Block 3 - From "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial), etc. District.
- Block 4 - From "H" (Community Shopping and Commercial, etc.) to "HH" (Restricted Community Shopping and Commercial) District.

The purpose of the proposed changes is to permit the development of Block "1" for single family dwellings and Blocks "2", "3" and "4" for commercial uses.

RECOMMENDATION

That approval be given to Zoning Application ZA-87-48, Bayfield Green Development Co., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and "HH" (Restricted Community Shopping and Commercial, etc.) District; and from "C" (Urban Protected Residential, etc.) District and "H" (Community Shopping and Commercial etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, to permit the development of the subject lands for single family dwellings (Block "1") and a commercial plaza (Blocks "2", "3" and "4"), for the property located on the west side of Upper James Street in the area south of Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are installed.

Removal of the holding restriction shall be conditional upon the installation of municipal sewers serving the subject lands and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "C" and "HH" provisions as stipulated in this by-law by enactment of an amending by-law once municipal sewers have been installed.

- ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc.) District;
- iii) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District;
- iv) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District;
- v) That Block "4" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District;
- vi) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 14A, the following outside storage requirements shall apply:
 - 1. No front yard shall be used for outside storage.
 - 2. Every side yard or rear yard that is used for outside storage of any material or any equipment shall be completely screened from external view by a visual barrier not less than 1.5 metres in height and not more than 3.0 metres in height.
 - 3. No part of a side yard or rear yard used for outside storage shall be situated less than 6.0 metres from an abutting street line or from the boundary of an abutting residential district.
 - 4. The total area used for storage outside of a building or structure shall not exceed 5% of the lot area.
 - b) That notwithstanding Section 14A(3)(a), a minimum front yard of 21 m shall be required, except for the existing building located on the site.
 - c) That notwithstanding Section 14A, a 3.0 m wide planting strip shall be provided along the rear lot line.

- vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-9C be notated S- ;
- viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C;
- ix) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning for the property located on the west side of Upper James Street, in the area south of Stone Church Road West, on the following basis:

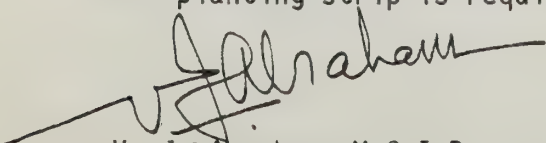
- Block "1" From "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc.) District;
- Block "2" From "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District;
- Block "3" From "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District;
- Block "4" From "H" (Community Shopping and Commercial, etc.) District to "HH" - 'H' (Restricted Shopping and Commercial) District;

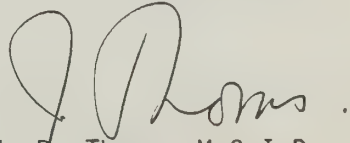
as shown on the attached map marked as APPENDIX "A". The amending By-law applies the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until municipal sewers are installed. Once the sewers are available, City Council may remove the 'H' symbol by passing the amending By-law.

The effect of the By-law to permit the development of the subject lands for single family dwellings (Block "1") and a commercial plaza (Blocks "2", "3" and "4").

In addition, the By-law provides for the following variances:

- o to permit an outside storage area limited in size to a maximum of 5% of the total lot area whereas no outdoor storage is permitted;
- o to require a minimum front yard of 21 m (except for the existing building) instead of the required 12 m;
- o to require a 3 m planting strip along the rear lot line whereas no planting strip is required.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Bayfield Green Development Company, prospective owner.

LOT SIZE AND AREA

Block "1"

o 1.3 ha (3.3 ac.) of lot area.

Blocks "2", "3" and "4"

o 194.42 m (637.87 ft.) of lot frontage;

o 58.99 m to 124.36 m (193.54 ft. to 408 ft.) of lot depth;

o 2.0 ha (4.9 ac.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Restaurant, vacant	"AA" (Agricultural) District
		"C" (Urban Protected Residential, etc.) District
		"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
To the north	Church, vacant	"AA" (Agricultural) District
		"C" (Urban Protected Residential, etc.) District
To the south	Single family	"AA" (Agricultural) District
		"C" (Urban Protected Residential, etc.) District

To the east	Single family dwellings	"C" (Urban Protected Residential, etc.) District
To the west	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN

The subject lands are designated "Residential" and "Commercial" on Schedule "A".

In addition, the lands are located within Special Policy Area 31b on Schedule "B". Retail/warehouse uses are permitted within the designation. The depths, frontages, setback, etc., will be in accordance with the Neighbourhood Plan. The Upper James Street Urban Design Guidelines apply to these lands.

Based on the foregoing, the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Residential" and "Commercial" in the recently approved Mewburn Neighbourhood Plan. The proposal complies.

UPPER JAMES STREET CORRIDOR URBAN DESIGN GUIDELINES

The subject lands are designated "Retail/Warehouse" in the Urban Design Guidelines.

The Guidelines include:

- o a minimum lot depth of 97.5 m (325 ft.);
- o a minimum lot frontage of 30 m (100 ft.);
- o a 3 m (10 ft.) landscaping strip along both the rear and front lot lines;
- o rear and front service roads 21 m (70 ft.) in width which would permit two rows of parked cars and a through lane of traffic.
- o a maximum building height of eight storeys.

Many of the features of the Urban Design Guidelines will be applied during the site plan approval process; however, other features must be included in the amending by-law to ensure they are implemented (see APPENDIX "B").

BACKGROUND

The applicant intends to develop Block "1" for 19 single family dwelling lots. He has agreed to redesign his internal street system to reflect the Mewburn Neighbourhood Plan.

Blocks "2", "3" and "4" will be developed for a home improvement centre, nursery/craft store and additional retail/commercial uses. The existing fast food restaurant will be retained. Approximately 46% of the lot area is proposed for outdoor storage.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority and the Building Department have no comments or objections.
- o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains are available to service the subject lands. It should be noted that sewers are unavailable at this time.

The designated road allowance width of Upper James Street is 36.58 m (120 ft.) As a condition of development approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 feet) from the centreline of the original Upper James Street road allowance. Therefore, all development should be set back from these widened limits.

Any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law. We recommend that the subject lands be developed through site plan control and that specific site development plans indicating grading, landscaping, etc., be submitted to this office.

The applicant should be advised that any roadway improvements on Upper James Street required as a result of this development will be at the expense of the applicant owner. The details of these roadway improvements, if required, will be determined at such time as detailed plans are submitted for our review." (See attached letter for full comments).

- o The Traffic Department has advised that:

"Several comments must be made regarding the plan submitted with the rezoning application. The residential area of the plan does not agree with the proposed street layout of the "draft" neighbourhood plans. We would also not support the proposed vehicle connection between the residential area and Upper James Street. These properties must be developed in conjunction with the properties to the west. All further details regarding the commercial facilities will be addressed at the development application stage."

COMMENTS

1. The Hamilton-Wentworth Engineering Department has advised that the subject lands are not fully serviced at this time. It is expected that sewers will be installed during the latter part of 1989. In this regard, it is suggested that if the application is approved, it be subject to Section 35(1) of the Planning Act R.S.O. 1983, whereby Council may, in a by-law, use a holding symbol "H" in conjunction with any zoning district. The holding symbol specifies the use to which lands, buildings or structures may be put at such time in the future when the holding symbol is removed by amendment to the by-law.
2. The proposal complies with the Official Plan and the recently approved Mewburn Neighbourhood Plan.
3. The proposal meets most of the requirements of the Upper James Street Corridor Urban Design Guidelines.
4. The proposal warrants consideration for the following reasons:
 - a) the commercial component of the development is located on a major arterial road and the residential portion is located within the interior of the neighbourhood;
 - b) it would be compatible with the existing and proposed development in the area.
5. The Engineering Department has advised that the residential portion of the proposal should be developed through a plan of subdivision. Access to the subdivision should not be permitted through the sewer easement.
6. Approval of the application would require the following variance and new regulations for the commercial component:
 - o Section 14A - Area Requirements
 - a) Under the existing "HH" District regulations, a front yard of 12 m is required. In order to implement the Urban Design Guidelines feature (a front traffic lane with associated parking), the front yard is required to be 21 m instead of 12 m. On this basis, the modification to the By-law is necessary.
 - b) Under the current "HH" regulations, there are no landscaping provisions. To ensure adequate buffering between the residential and commercial uses, a 3 m wide landscaping strip should be provided along the rear lot line.
 - o The applicant requested that the outdoor storage area of approximately 46% of the lot area be permitted on the site. Such a large amount of outdoor storage is not appropriate along Upper James. In addition, the storage area would be adjacent to a proposed residential subdivision. From a land use perspective, it would be more appropriate to limit the storage area to 5% of the

lot area. This restriction is consistent with those requirements in the "M" Districts. Under the existing "HH" regulations, no outside storage is permitted.

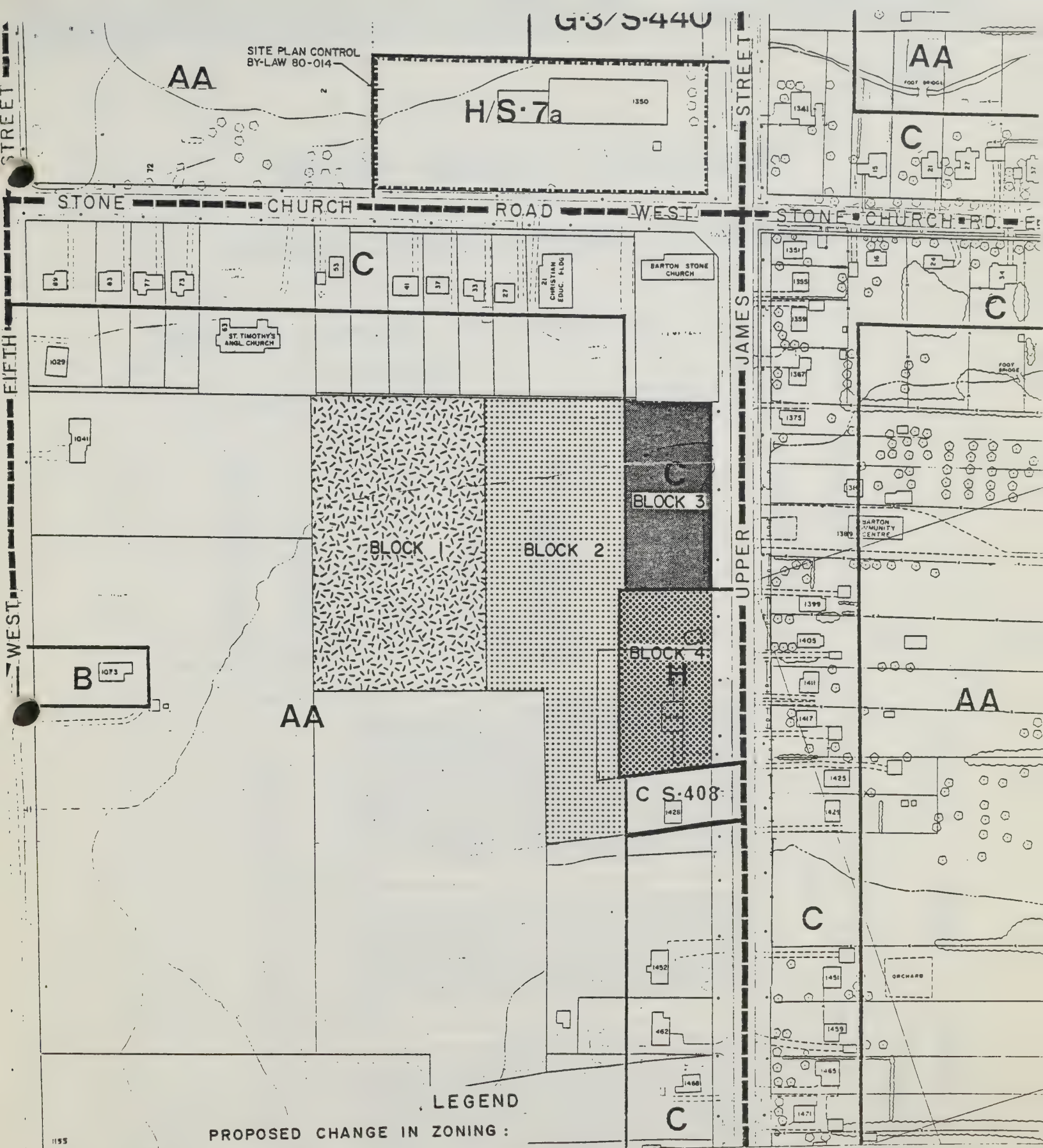
7. Under the "HH" District regulations, the lands are subject to Site Plan Control By-law 79-275. Matters such as paving, access and the Urban Design Guidelines will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH:cs
Attach.

WPDOC 0420P



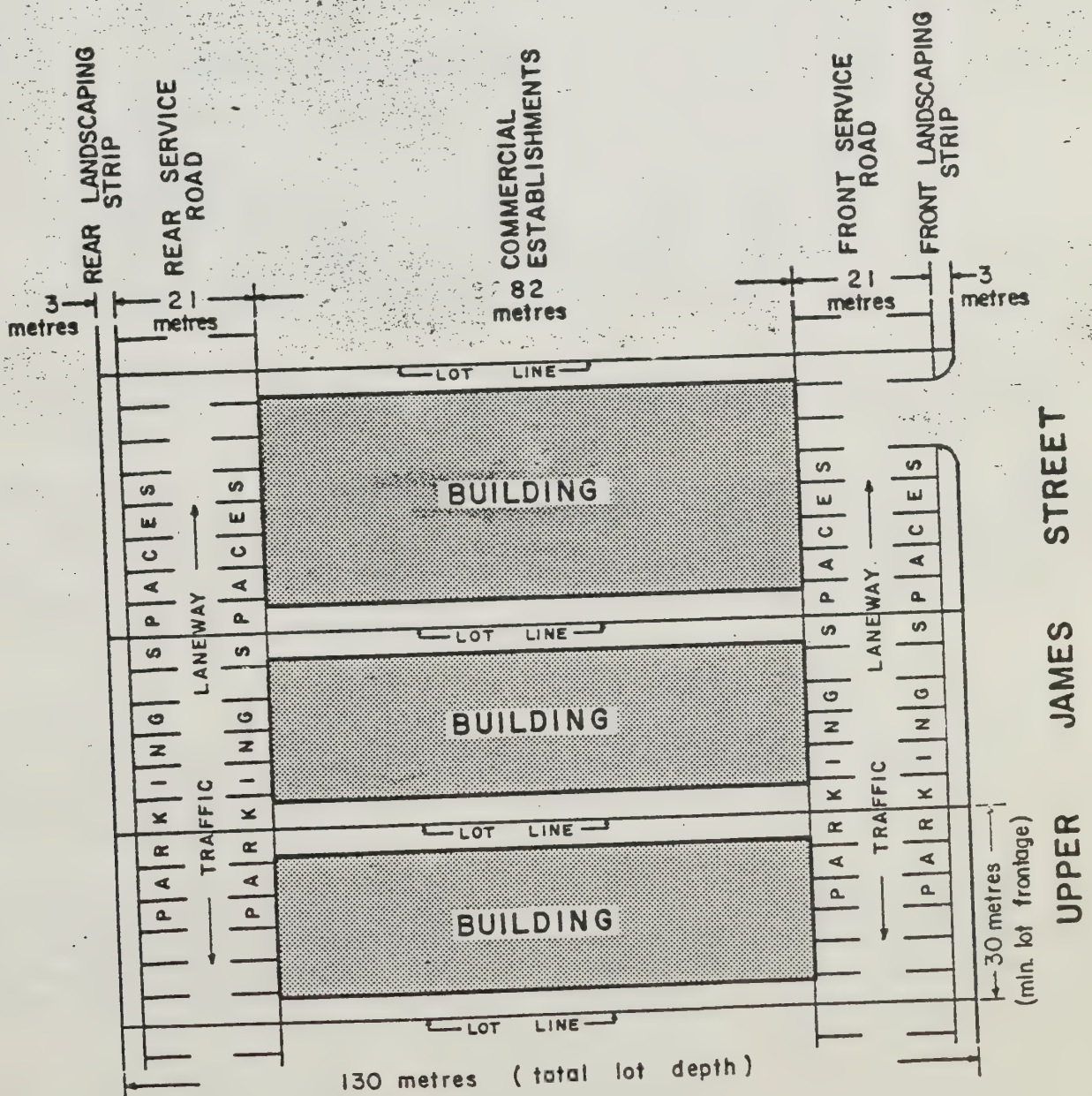
ZA 87-48

APPENDIX A

URBAN DESIGN GUIDELINES FOR UPPER JAMES STREET CORRIDOR

Example of Commercial Area Design for:

- 1) Commercial
- and 2) Commercial & Retail/Warehouse





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH 1987

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH			
TO	FROM	INIT.	INFO.
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FROM			
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ACT.			
Refer to File No. E220-1303			
Attention of K. A. Brenner			
Your File No. ZA-87-48			
DATE			
ADMIN.			

I.D. #0134D(28)

June 18, 1987

TO: V. J. Abraham, Planning Department

FROM: K. A. Brenner, Engineering Department

RE: Zoning Application ZA-87-48 for a Change in Zoning from "AA" , "C" and "H" to "HH" and "C" Districts Regulations for Lands on the West Side of Upper James Street, in the Area South of Stone Church Road West

Please be advised that public watermains are available to service the subject lands. It should be noted that sewers are unavailable at this time.

The designated road allowance width of Upper James Street is 36.58m (120 feet). As a condition of development approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 18.29m (60 feet) from the centreline of the original Upper James Street road allowance. Therefore all development should be setback from these widened limits.

Any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-Law. We recommend that the subject lands be developed through site plan control and that specific site development plans indicating grading, landscaping, etc., be submitted to this office.

The applicant should be advised that any roadway improvements on Upper James Street required as a result of this development will be at the expense of the applicant owner. The details of these roadway improvements, if required, will be determined at such time as detailed plans are submitted for our review.

Cont'd

- Page 2 -
June 18, 1987

Zoning Application ZA-87-48 for a Change in
Zoning from "AA", "C" and "H" to "HH" and "C"
Districts Regulations for Lands on the West
Side of Upper James Street in the Area South
of Stone Church Road West

Cont'd

The Mewburn Neighbourhood plan has not been approved by Committee and Council to date and it is our understanding that there will be a public meeting on June 29, 1987. At this time, the land use concepts will be considered by Committee and Council and the actual consideration of this zoning application will be July 15, 1987.

With respect to the residential development proposed, we recommend that these lands be developed through plan of subdivision and further advise that we cannot support access to this subdivision through the proposed sewer easement. The development of these lands should be held in obedience until such time as adjacent lands to the north, south and west are developed to provide access to West 5th Street. The actual details of the street configuration can be detailed at such time as Committee and Council consider the Mewburn Plan.



ALR: FAR: mp

TR

14a

We oppose any change in zoning until sewers are actually in place for the following reasons.

As you will note on your topographical map the North portion of Parcel 2 and 3 is part of a natural drainage system that flows directly through our backyard. This causes us to experience sewer flooding of our property in the spring and after heavy rain. After the flooding subsides, the debris collected for the garbage usually fills at least 3 large garbage bags.

This land has layen fallow for the past approx. 15 years and any attempts to (a) sub-grade (b) strip top soil or (c) and more important any attempt to land fill this low land will compound our existing problems if done while this culvert drains onto our land.

Should building and paving on this proposed zoning change take place before sewers, there would be no natural absorption of run-off water, compounding the present flooding conditions.

We also have noted a significant change in the purity of the down stream water in the culvert across from Johnston Motors. e.g. There is now a constant oily, stagnant film on the water and grass. This would be environmentally unacceptable to us.

We do no believe a large enough holding tank could be installed to handle this situation, and feel the present holding tanks at the Barton Community Centre and Rendezvous Restaurant are pungent enough for a neighbourhood as they are invariably pumped at mealtime approx. 3 times or more a week, ruining many a meal.

Land severance and zoning changes have been suppressed in the past by the City for the reason of lack of sewers, so we would like a little co-operation from the city to prevent any zoning changes before the sewers are in place or at the very least are under construction on Upper James St.

Yours truly,

J Marilyn Smith
Robert E Smith

J. Marilyn Smith
Robert E. Smith
1375 Upper James St.,
Hamilton, Ontario
L9B 1K2

15.

F O R A C T I O N

FROM Planning and Development Department

DATE June 22, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-49

Rushdale Neighbourhood

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for property located at No. 27 Rowntree Drive, as shown on the attached map. The purpose of the proposed modification is to permit a hairdressing business, operated as a home occupation by one person (the applicant) from within the existing dwelling unit.

RECOMMENDATION

That approval be given to Zoning Application ZA-87-49, Leonard and Wilma Faille, owners for a modification to the established "C" (Urban Protected Residential, etc.) District regulations applicable to property located at No. 27 Rowntree Drive, as shown on the attached map, on the following basis:

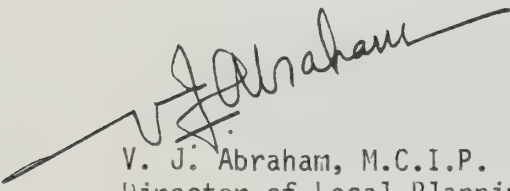
- i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 - a) Notwithstanding paragraphs (f) and (h) of Section 2(2)H.(iii), hairdressing shall be permitted as a home occupation on the following basis:
 - (1) it is carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,
 - (2) there is not more than one comb-out centre and one styling sink.
- ii) That the amending By-law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject land on Zoning District map E27B be notated S- ;

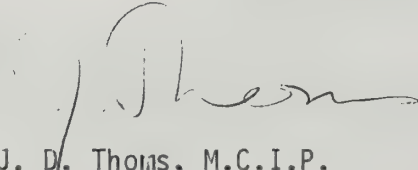
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E27B; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the existing "C" (Urban Protected Residential, etc.) District provisions applicable to the property located at No. 27 Rowntree Drive, as shown on the attached map.

The effect of the By-law is to permit a hairdressing salon for one hairdresser who resides on the premises as their principal place of residence.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thomas, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Leonard and Wilma Faille, owners.

LOT SIZE AND AREA

- 1.4586 m (47.85 ft.) of lot frontage;
- an average lot depth of 32.48 m (106.57 ft.); and,
- a lot area of approximately 476 m² (5,029 sq. ft.).

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwelling	"C" (Urban Protected Residential, etc.) District

Surrounding Lands

to the north, south, east and west	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
--	-------------------------	---

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Rushdale Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:

"The proposed use is contrary to Sections 3(3)(i) and 2(2)(iii) of By-law No. 6593.
- The Traffic Department, Hamilton-Wentworth Engineering Department and the Hamilton Region Conservation Authority have no comments or objections.

COMMENTS

1. The proposal would not conflict with the intent of the Official Plan or the approved Rushdale Neighbourhood Plan.
2. The Planning and Development Committee and City Council are on record of supporting a number of similar applications to establish hairdressing applications as a home occupation. Each operation was limited to one hairdresser living on the premises, one comb-out centre and one styling sink.

The size limitations placed on hairdressing as a home occupation has effectively reduced the problems associated with this use. The Building, Health and Traffic Departments have received no complaints respecting these facilities.

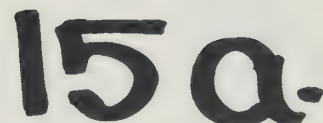
3. The proposal has merit and warrents consideration for the following reasons:
- a) the business is only part time in nature and is primarily related to the walk-in trade from area residents;
 - b) the proposal should not adversely affect the demand for on-street parking in this area;
 - c) the business would be restricted to a limited amount of floor area within the dwelling (15%);
 - d) the business would not alter the residential character of the existing dwelling.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GW:cs
Attach.

WPD0C 0576P



PLANNING & DEVELOPMENT			
LEGAL PLANNING DEPARTMENT			
amilton) Limited			
ZA 87-49		JUL 07 1987	
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590 Seaman Street, Stoney Creek, Ontario • L8E 4H1 • (416) 643-4221

16.

FOR ACTION

FROM Planning and Development Department

DATE June 3, 1987

TO Planning and Development Committee

Refer To File No. CI 87-G

LANSDALE
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a further modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations applicable to City-owned lands located at Nos. 80, 84 and 88 Century Street, west of Wentworth Street North, to permit an extension of the temporary use of the lands for a public parking lot operated by the Hamilton Parking Authority for a further three year period in accordance with Section 38 of The Planning Act.

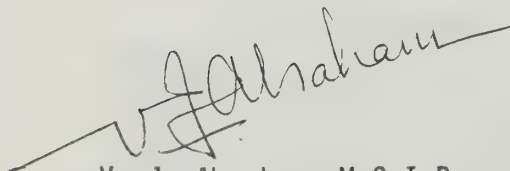
RECOMMENDATION

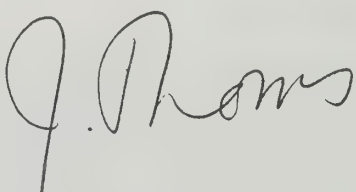
That approval be given to City Initiative 87-G, City of Hamilton, owner, for a further modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations to permit the extension of the temporary use of the lands for a public parking lot operated by the Hamilton Parking Authority applicable to the properties located at Nos. 80, 84 and 88 Century Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District provisions of Zoning By-law No. 6593 be modified in accordance with Section 38 of The Planning Act, R.S.O. 1983, to permit the temporary use of these lands for parking of motor vehicles for a three-year period.
- ii) That the amending By-law be added to Section 19(B) of Zoning By-law No. 6593 as Schedule S-735a and that the subject land on Zoning District Map E-13 be notated S-735a.
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13.
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- v) That the Lansdale Neighbourhood Plan be modified accordingly by changing the date of the notation on the plan.

EXPLANATORY NOTE

The By-law will provide for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District provisions applicable to property located at Nos. 80, 84 and 88 Century Street, as shown on the attached map marked as APPENDIX "A" to permit the temporary use of the lands for a public parking lot operated by the Hamilton Parking Authority for an additional three year period.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

LOT AREA AND FRONTAGE

- o Lot frontage on Century Street: 36.8 m (120.7 ft.),
- o Lot area: 593.2 m² (6,385 sq. ft.)

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Used as a parking lot City Parking Authority	"D" (Urban Protected Residential One and Two Family Dwellings, etc.) District, modified to permit the parking lot use.
<u>Surrounding lands</u>		
To the north and south	Vacant lands, one and two family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
To the east	One and Two Family Dwellings and Multiple Family Dwellings	"Lmr-2 (Planned Development) (Multiple Residential) District
To the west	One and Two Family Dwellings and Multiple Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". Various types of residential uses are permitted within this designation.

The Official Plan states that, notwithstanding other policies in the Plan, lands which are vacant and which may be advantageously utilized to relieve parking difficulties in the City may be authorized by Council to be used as "temporary" parking lots, etc., subject to several conditions. Among these conditions are:

- o that the use of such vacant lands will not exceed three years ... as provided in the Planning Act, and
- o that Council may extend approval for temporary parking for additional three year periods.

The Official Plan specifies a three year time period for temporary uses in keeping with Section 38 of the Planning Act.

NEIGHBOURHOOD PLAN

Designated for "Single, Double and Attached" housing on the Landsdale Neighbourhood Plan. The temporary parking lot use would require a minor modification (change the date of the notation on the plan) to the Neighbourhood Plan.

BACKGROUND

On July 28, 1981, City Council passed By-law 81-215 to permit a public parking lot operated by the Hamilton Parking Authority for a two year period, and on November 17, 1981, the By-law received final approval from the Ontario Municipal Board.

On November 30, 1983, City Council passed By-law No. 83-312 to further extend the parking provision on the subject lands for an additional three year period.

The By-Law expired on November 30, 1986.

COMMENTS RECEIVED

- o The Building Department, Traffic and Hamilton Wentworth Engineering Department and Hamilton Region Conservation Authority have no comments or objections.

COMMENTS

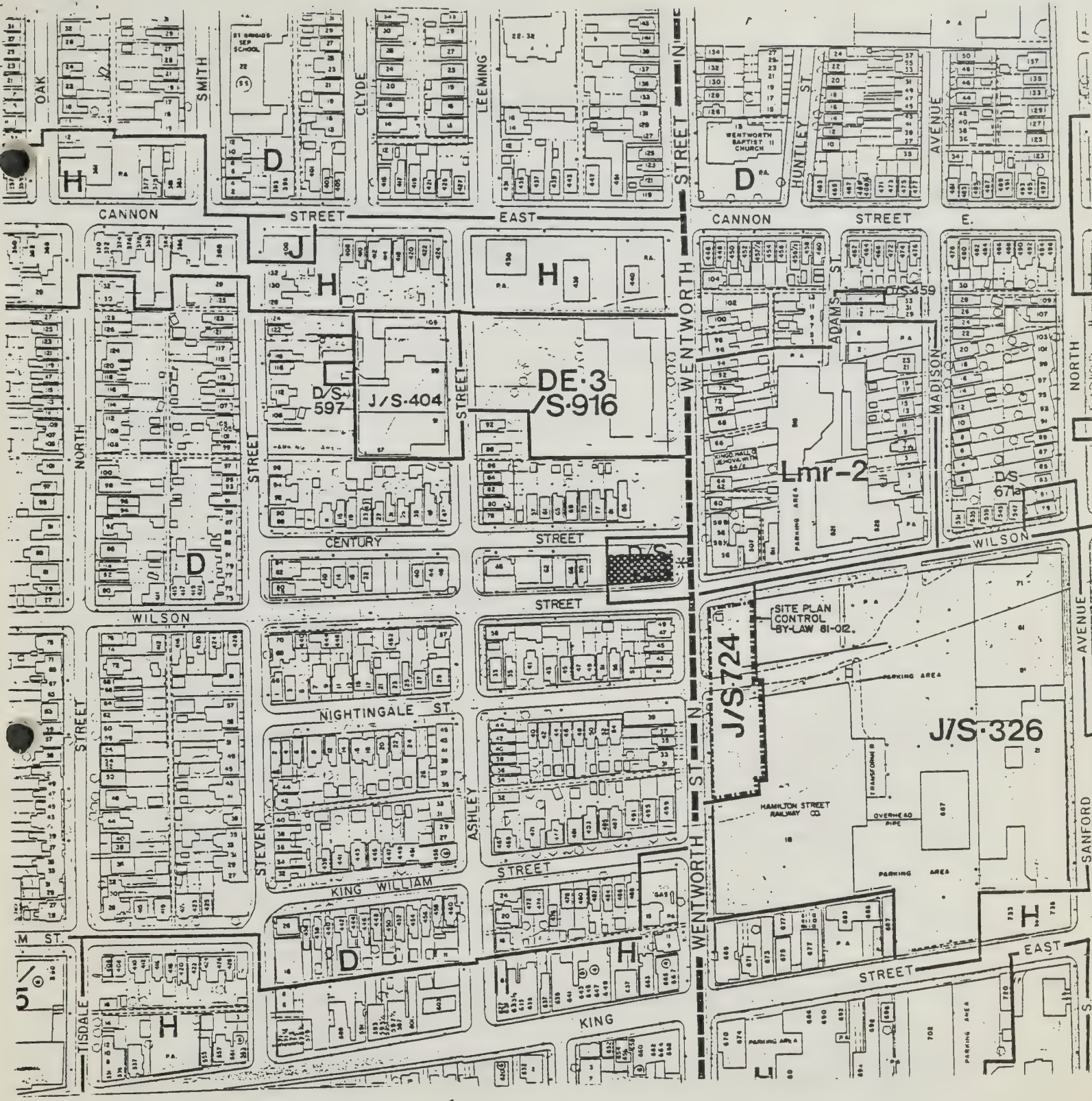
1. The Hamilton Official Plan permits temporary use of vacant lands for parking. The proposed three-year extension to the temporary parking lot use would comply with the intent of the Official Plan.
2. A minor modification (change the date of the notation on the Plan) would be required to the Landsdale Neighbourhood Plan.
3. This proposal conforms with the Planning Act specification of a three-year period for temporary uses.

CONCLUSION

Based on the foregoing, the continued use of the subject lands as a temporary parking lot can be supported.

J.H.:nd

W.P. DOC. 0536P



LEGEND



SITE OF THE APPLICATION



F O R A C T I O N

17.

FROM	<u>Planning and Development Department</u>	DATE	<u>June 17, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	ZA 87-44 (SA 79-09) <u>Broughton East Neighbourhood</u>
		Attention Of	<u>V. J. Abraham</u>

SUBJECT

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District "RT-10" (Townhouse) District and "E-2" (Multiple Dwellings) District for property located at No. 956 Rymal Road East, as shown on the attached plan marked as APPENDIX "A". The purpose of the application is to permit development of the subject lands in accordance with a draft plan of subdivision for single family dwellings, townhouse dwellings and medium density apartments which has been recommended for approval by the Planning and Development Committee.

RECOMMENDATION

1. That approval be given to zoning application ZA-87-44 Todoc Construction Limited, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential etc.) District (Blocks 1 & 2), "RT-10" (Townhouse) District (Blocks 3, 4 & 5) and "E-2" (Multiple Dwellings) District (Blocks 6 and 7), for property located at No 956 Rymal Road East as shown on the attached plan marked as APPENDIX "A", on the following basis:

- i) That the lands shown as Blocks 1 and 2 be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the lands shown as Blocks 3, 4 & 5 be rezoned from "AA" (Agricultural District) to "RT-10" (Townhouse) District;
- iii) That the lands shown as Blocks 6 and 7 be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District;
- iv) That the City Solicitor be directed to prepare a By-Law to amend zoning By-Law No. 6593 and zoning District Map E-49E;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- vi) That the approved Broughton East Neighbourhood Plan be amended by changing (see subdivision plan APPENDIX "B" attached):
 - o Blocks 157 and 158 from "Attached Housing" to "Medium Density Apartments"

- Block 166 and Parts of Blocks 156 and 159 from "Single and Double" residential to "Attached Housing"
- By introducing a 3.0 m Public Walkway between lots 17 and 18 and lots 32 and 33 connecting Street "C" and Street "D"
- By amending the proposed road patterns to conform to the road pattern approved in conjunction with the draft approved plan of subdivision.

EXPLANATORY NOTE

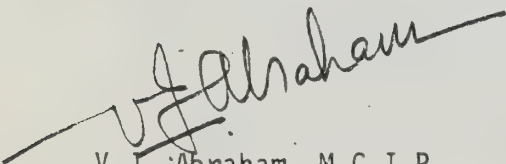
The purpose of the By-Law is to provide for the following changes in zoning for property located at No. 956 Rymal Road East, as shown on the attached Plan marked as APPENDIX "A" on the following basis:

Blocks 1 and 2 - change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;


Blocks 3, 4 & 5 - change from "AA" (Agricultural) District to "RT-10" (Townhouse) District;

Blocks 6 & 7 - change from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District.

The effect of the By-Law is to permit development of the subject lands through a draft plan of subdivision for single-family dwellings, townhouse dwellings and apartments.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Todoc Construction Limited, owner.

LOT SIZE AND AREA

An irregular shaped parcel of land having

- 299.25 m (981.79 ft.) on Rymal Road East
- 546.45 m (1792.82 ft.) of lot depth; and;
- 15.82 ha (39.09 acres) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	a two-family dwelling and a commercial use	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	a hotel, gas bar and single family development	"HH" (Restricted Community Shopping and Commerical, etc.) District and "LC" (Planned Development Commerical) District
to the south	Ontario Hydro lands	"A" (Agricultural) District (Glanbrook)
to the east	Trans Canada Pipe Lines Property and vacant lands	"M-12" (Prestige Industrial) District and "AA" (Agricultural) District
to the west	a public garage, a single family dwelling and vacant lands	"AA" (Agricultural) District and RF-10 (Townhouse District)

OFFICIAL PLAN

Designated "Residential" and "Utilities", the proposal complies.

NEIGHBOURHOOD PLAN

Designated as follows on the approved Broughton East Neighbourhood Plan:

Blocks 1 and 2	"Single and Double"
Blocks 3, 4 and 5	"Single and Double" and "Attached Housing"
Blocks 6 and 7	"Attached Housing"

The proposal does not fully comply and would require the following changes to the approved Broughton East Neighbourhood Plan (see subdivision plan APPENDIX "B" attached):

- Block 166 and part of Blocks 156 and 159 from Single and Double to "Attached Housing";
- Blocks 157 and 158 from "Attached Housing" to "Medium Density Apartments";
- Introduction of a public walkway between proposed streets "C" and "D" (lots 17 and 18 and lots 32 and 33);
- Appropriate changes to the approved road pattern as required by the draft approved plan of subdivision.

BACKGROUND

At its meeting held on June 24, 1987 the Planning and Development Committee considered and adopted a recommendation to approve the Lillian Heights Draft Plan of Subdivision as red line revised.

COMMENTS RECEIVED

- The Building Department has no comment
- The Traffic Department find it satisfactory
- The Hamilton Wentworth Engineering Department
- The Hamilton Region Conservation Authority has no objection
- The Ministry of Environment no comments received to date
- Township of Glanbrook no comments received to date
- L.A.C.A.C. Staff has no comment

COMMENTS

1. The proposed complies with the Official Plan.
2. The proposal does not fully comply with the approved Broughton East Neighbourhood Plan and would require a number of changes to the approved neighbourhood plan which were previously outlined in the Neighbourhood Plan Section of this report. The proposed changes implement the development concept approved by City Council under the draft plan of subdivision.
3. The proposed mixed use residential development is in keeping with existing and proposed development in this area, and on this basis can be supported.
4. The proposed townhouse blocks (Blocks 3, 4 and 5) to be zoned "RT-10" (Townhouse) District and the proposed multiple dwelling blocks to be zoned "E-2" (Multiple Dwellings) District (Blocks 6 and 7) must satisfy the respective zoning district regulations, and are subject to the provisions of Site Plan Control By-Law No. 79-275. In this regard the developer must submit site plans for the approval of the Planning and Development Committee prior to the issuance of building permits.

CONCLUSION

On the basis of the foregoing the proposal can be supported.

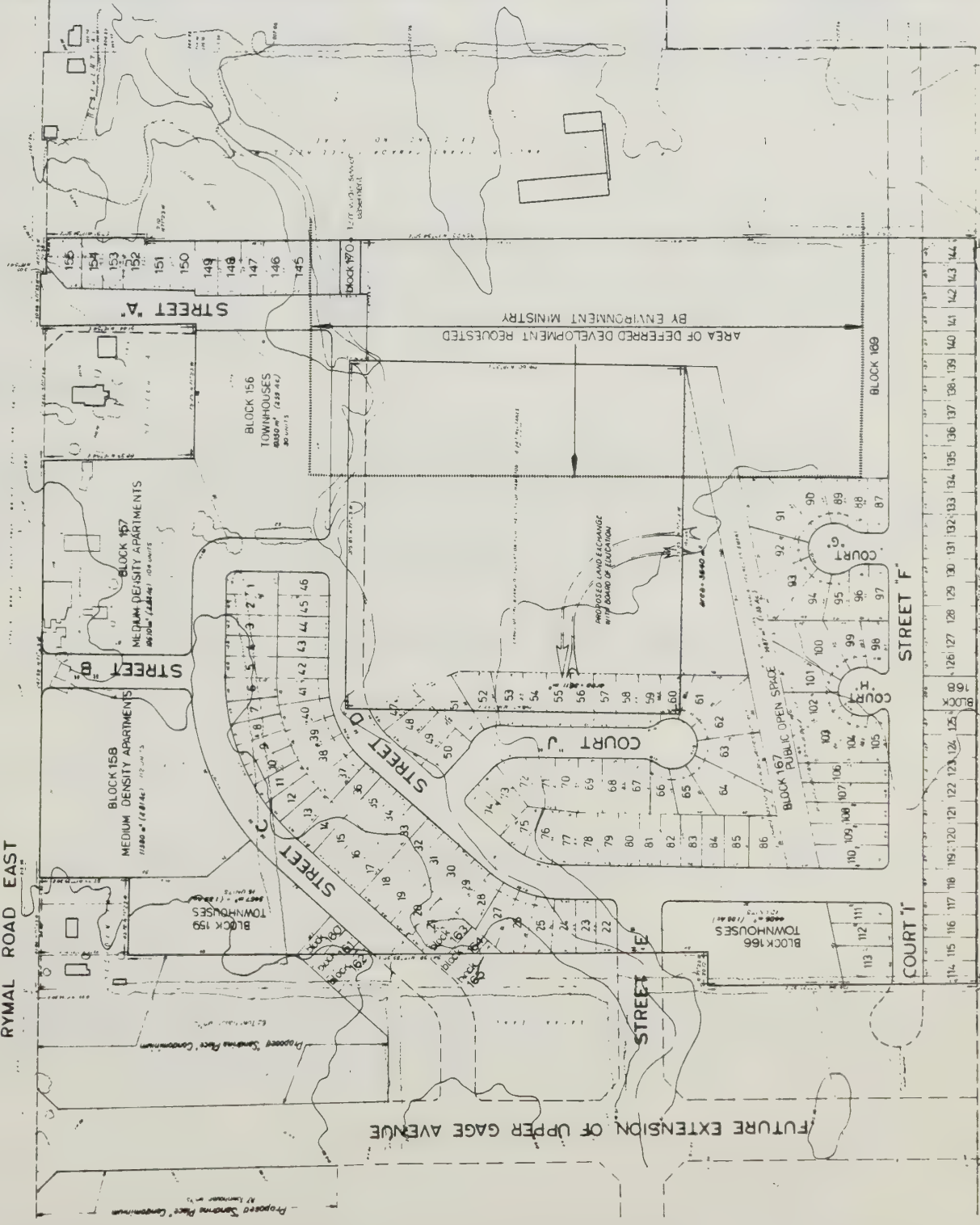
GAW/sdj
wp0571P

UPPER GAGE AVENUE

RYMAL ROAD EAST

ROCKLAND AVENUE

FUTURE EXTENSION OF UPPER GAGE AVENUE



KEY PLAN

LILLIAN HEIGHTS

DRAFT PLAN

PART OF LOT 12 - CONCESSION 1
FORMERLY IN THE TOWNSHIP OF GLANBORO
CITY OF HAMILTON
LOCAL MUNICIPALITY OF HAMILTON-WINTERBURN
PLANNING ACT
1997

Total area of subdivision - 15.82 hectares
Single family - 155 units
Townhouses - 58 units
Medium density - 15 units
Total units - 228 units

METRIC

NOTE

THIS IS A DRAFT PLAN ONLY AND IS
SUBJECT TO REVISION AND AMENDMENT

ADDITIONAL INFORMATION REQUIRED
UNDER SECTION 35 OF THE
PLANNING ACT

OWNERS CERTIFICATE

SURVEYORS CERTIFICATE

A. J. Clarke & Associates

F O R A C T I O N

FROM Planning and Development Department DATE June 16, 1987
 TO Planning and Development Committee Refer to File No. ZA-87-52
 SOUTHAM
 NEIGHBOURHOOD
 Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "C" (Urban Protected Residential, etc.), District to "G-3" (Public Parking Lots) District for the property located at No. 9 Brantdale Avenue. The purpose of the proposed change is to legalize the existing parking lot which is to be used in conjunction with a restaurant fronting on Upper James Street.

RECOMMENDATION

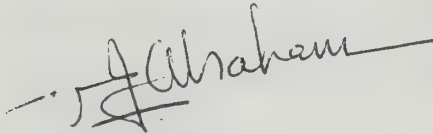
That approval be given to Zoning Application 87-52, Ki Hing Li, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District, to legalize the existing parking lot, which is to be used in conjunction with a restaurant fronting on Upper James Street, for the property located at No. 9 Brantdale Avenue, as shown on the attached map marked as APPENDIX "A" on the following basis:

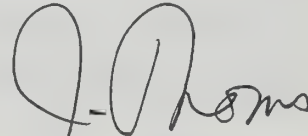
- i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-7;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- iv) That the amending By-law not be passed by City Council until a site plan has been approved by the Planning and Development Committee.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for the property located at No. 9 Brantdale Avenue.

The effect of this By-law is to legalize the existing parking lot which is to be used in conjunction with a restaurant fronting on Upper James Street.


V.J. Abraham, M.C.I.P.
Director of Local Planning


Jim D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ki Hing Li, owner.

LOT SIZE AND AREA

- o 23.18 m (76 ft.) of lot frontage;
- o 30.5 m (100 ft.) of lot depth; and,
- o 706.04m² (7600 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	parking lot	"G-3" (Public Parking Lots) District
to the south	commercial	"H" (Community Shopping and Commercial, etc.) District
to the east	restaurant, commercial	"H" (Community Shopping and Commercial, etc.) District
to the west	single family dwelling, school	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". The proposal complies.

NEIGHBOURHOOD PLAN

There is no approved Plan for the Southam Neighbourhood.

COMMENTS RECEIVED

o The Building Department, Hamilton Region Conservation Authority, Hamilton-Wentworth Engineering Department have no comments or objections.

o The Traffic Department has advised that:

"We fully support the provision of private off-street parking to serve adjacent business facilities. Facilities such as this aid in reducing the on-street parking overflow which usually occurs along commercial strips of this type."

COMMENTS

- 1) The proposal complies with the Official Plan.
- 2) There is no approved Plan for the Southam Neighbourhood.
- 3) An Order to Comply was issued by the Building Department against the property on April 27, 1987. The lands are presently being used for a parking lot for the Coral Place restaurant, a use not permitted in the "C" District.
- 4) The proposal merits consideration for the following reasons:
 - a) it will help alleviate overflow parking on local streets;
 - b) it is compatible with the surrounding land uses including a parking lot to the north and commercial to the south and west; and,
 - c) it will be screened from the adjacent residential use to the west. The Zoning By-law requires that a visual barrier not less than 1.2 m. in height and not greater than 2 m. in height be provided on any side and rear lot line abutting a residential district.

- 5) Under the "G-3" District regulations, the property is subject to Site Plan Control By-Law 79-275. The construction of the parking lot does not require a building permit. Therefore, to ensure adequate buffering, landscaping, etc., is provided, the amending By-law should not be passed by Council until a site plan is approved.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH/cfs
WP DOC 0545

19

FOR ACTION

FROM Planning and Development Department

DATE June 25, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-68
CENTRAL
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a further modification to the "CR-3" (Commercial-Residential) District for the property located at No. 151 York Boulevard. The purpose of the proposed modification is to permit additional commercial uses (i.e. broadcasting station, liquor store, etc.) within the commercial building currently under construction.

RECOMMENDATION

That approval be given to Zoning Application 87-68, York and Bay Centre, Inc., owner requesting a further modification to the "CR-3" (Commercial-Residential) District to permit additional commercial uses (i.e. broadcasting station) within the commercial building currently under construction, for the property located at No. 151 York Boulevard, as shown on the attached map marked as APPENDIX "A", on the following basis:

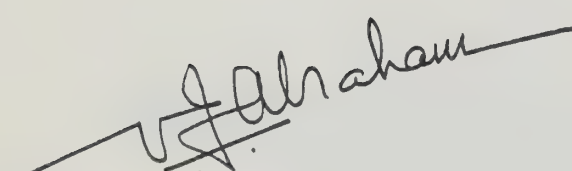
- i) That the "CR-3" (Commercial, Residential) District provisions as contained in Section 15B of Zoning By-law No. 6593, applicable to the subject lands, as amended by By-laws Nos. 81-330 and 82-82, be further amended on the following basis:
 - a) Notwithstanding Section 15B(3), the following additional commercial uses shall be permitted:
 - 1. retail stores
 - 2. broadcasting station
 - 3. bank
 - 4. dry cleaner pickup
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-777b, and that the subject lands on Zoning District Map W-4 be notated S-777b;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

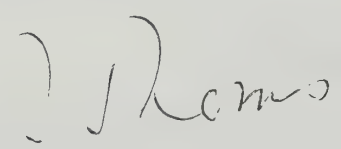
EXPLANATORY NOTE

The purpose of this proposed By-law is to provide for a further modification to the "CR-3" (Commercial-Residential) District for the property located at No. 151 York Boulevard as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the following additional commercial uses within the commercial building currently under construction.

- o retail stores
- o broadcasting station
- o bank
- o dry cleaner pickup


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

York and Bay Center Inc., owner.

LOT SIZE AND AREA

An irregular shaped lot with:

- o 135.09 m (443.2 ft.) of lot frontage on York Boulevard;
- o 53.88 m (176.78 ft.) of lot depth on Caroline Street;
- o 24.1 m (79.09 ft.) of lot depth on Bay Street; and
- o 0.64 ha (1.58 ac.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Commercial plaza (under construction)	"CR-3" (Commercial Residential) District

Surrounding lands

To the north	High school	"H" (Community Shopping and Commercial, etc.) District
To the south	Parking lots	"CR-3" (Commercial-Residential) District
To the east	Copps Coliseum	"I" (Central Business District, etc.) District
To the west	Workshop for the developmentally handicapped	"H" (Community Shopping and Commercial), etc. District

OFFICIAL PLAN

The subject lands are designated "Central Policy Area" on Schedule "A". A range of uses are permitted including residential, commercial, etc. The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial and Apartments" in the approved Central Neighbourhood Plan. The proposal does not conflict with the intent of the Neighbourhood Plan.

CENTRAL AREA PLAN

The subject lands are designated "Mixed Use". The proposal complies.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority, Hamilton-Wentworth Engineering Department, Building Department and Traffic Department have no comments or objections.

COMMENTS

1. The proposal complies with the Official Plan and Central Area Plan.
2. The proposal does not conflict with the intent of the approved Central Neighbourhood Plan.

3. The proposal merits consideration for the following reason:
 - a) the additional commercial uses are compatible with the existing commercial uses on the subject lands.
4. Under the "CR-3" District regulations, the lands are subject to Site Plan Control By-Law No. 79-275. At its meeting of April 30, 1986, the Planning and Development Committee approved the site plan for this site to permit a Swiss Chalet/Harveys restaurant and retail uses on the ground floor and office space on the second floor.

CONCLUSION

Based on the foregoing, the proposal can be supported.

J.H.:nd

W.P. DOC. 0560P

FOR ACTION

20.

FROM Planning and Development Department

DATE June 18, 1987

TO Planning and Development Committee

Refer to File No. DA-87-29

Attention Of V. J. Abraham

PROPOSAL

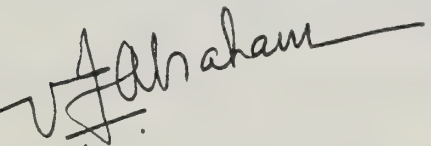
Plans have been submitted for a 90 unit townhouse complex to be located on the north side of Stone Church Road East, west of Upper Sherman Avenue. Three units will be one storey high and brick faced while the remainder will be two storeys high and constructed of brick facing on the first level and brick or siding on the second level.

Each unit will have a parking space located adjacent to the building and an additional 45 parking spaces are located throughout the site.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-29 by Los Andes of Hamilton Co-Operative Housing Inc., owner, as under Offer to Purchase dated February 16, 1987, of lands on the north side of Stone Church Road East, west of Upper Sherman Avenue, for a 90 unit townhouse complex subject to the following:

- a) modification to the plan related to dimensions, notes, and landscaping as marked in red on the plans;
- b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- c) clarification of the location of the proposed fire hydrants to the satisfaction of the Fire Department;



Victor J. Abraham, M.C.I.P.
Director of Local Planning

APPLICANT

Los Andes of Hamilton Co-Operative Housing Inc., owner as under offer to purchase dated February 16, 1987.

LOCATION AND DESCRIPTION

The subject vacant land is located on the north side of Stone Church Road East, west of Upper Sherman Avenue and has a street frontage of 160.53 m (526.7 ft.) and an approximate lot depth of 181.66 m (596.0 ft.).

ZONING

The portion of land abutting Stone Church Road East for a depth of 61.82 m (202.82 ft.) is zoned "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District which also permits townhouses subject to the RT-10 District provisions.

The remaining rear portion of the subject land is zoned RT-20 (Townhouses-Maisonette) District.

RESULTS OF CIRCULARIZATION

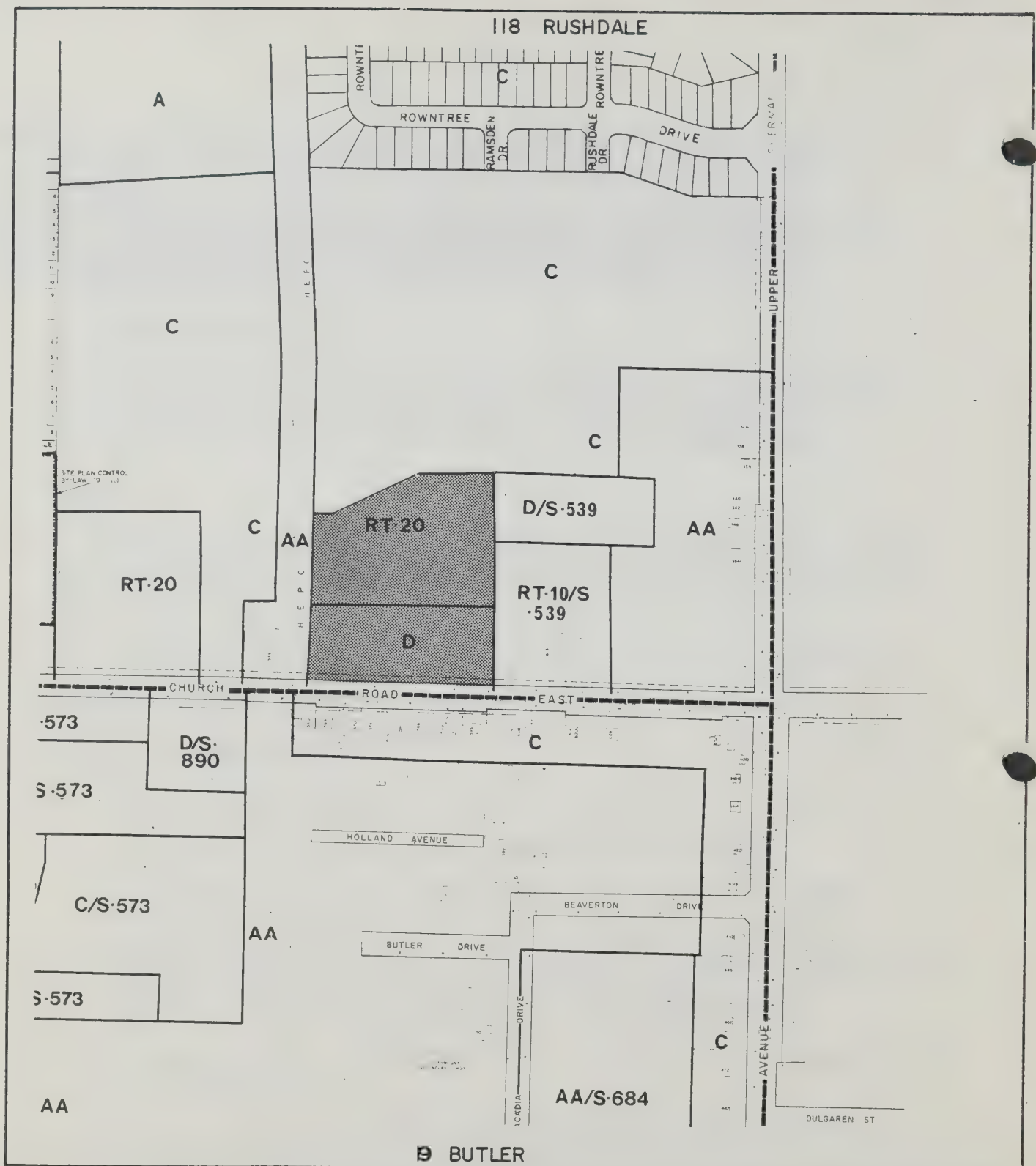
1. The Building Department has advised the following:
 - (a) The maximum height of the dwelling shall be 11.0 m;
 - (b) Maximum and minimum shall be added to all figures and numbers.
2. The Traffic Department has advised that the plan is satisfactory and that the access location is approved in principle. The applicant must apply to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by the Traffic Department.
3. The Fire Department comments are attached and deal with fire hydrant, fire access routes and signs.
4. The Hamilton-Wentworth Engineering Department comments are attached and deal with fencing location, grading and works within the road allowance.

COMMENTS

1. Modifications are required to the plan related to dimension, notes and landscaping and are marked in red on the plans.
2. As noted by the Hamilton-Wentworth Engineering Department, a revised grading plan should be submitted and should be to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

3. As noted by the Fire Department, a private 3-way fire hydrant is required within the subject property and has been marked in red on the plans.
4. The development is also the subject of Land Severance Applications H-30-87 and H-31-87 which include a number of issues relating to road widenings, internal neighbourhood streets and City and Regional agreements. These applications must be finalized prior to the development proceeding.

W.P. DOC. 0390P



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-29

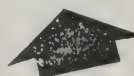
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-29

Drawing No.
87-H-34

FROM

Inspector N. Christopher

DEPARTMENT

FIRE PREVENTION BUREAU

DATE

April 27th, 1987

SUBJECT

DA #87-29

REGIONAL PLANNING & DEVELOPMENT DEPT.

CITY HALL

ATTN. J. SAKALA

605 STONECHURCH ROAD EAST

MESSAGE

RE: Proposed 90 UNIT TOWNHOUSE PROJECT

Sir:

"THE ABOVE NOTED PLANS HAVE BEEN REVIEWED, AND ARE COMMENTS ARE AS FOLLOWS:

- ① THE ROADWAYS WITHIN THE PROJECT ARE CONSIDERED TO BE FIRE ACCESS ROUTES AND AS SUCH, ARE TO BE CONSTRUCTED IN ACCORDANCE WITH SENTENCE 3.2.5.2. (1) TO (6) INCLUSIVE OF THE ONTARIO BUILDING CODE.

- THIS WILL REQUIRE THE FOLLOWING AREAS OF THE ROADWAY MODIFIED TO PROVIDE A REQUIRED TURNING RADIUS OF NOT LESS THAN 12 METRES:

(I) ADJACENT TO BLOCK #5; (II) ADJACENT TO BLOCK #6; (III) ADJACENT TO BLOCK #10; ADJACENT TO BLOCK #14; AND ADJACENT TO BLOCK #11.

- ② IN ACCORDANCE WITH SENTENCES 3.2.5.2. (3) (b), (c) & 3.2.5.3. OF THE BUILDING CODE, A PRIVATE 3-WAY FIRE HYDRANT IS TO BE INSTALLED ON THE WEST SIDE OF BLOCK #6, ADJACENT TO THE FIRE ROUTE.

- ③ DETERMINATION OF FIRE ROUTE SIGN PLACEMENT WILL BE MADE UPON COMPLETION OF CONSTRUCTION AT THE SITE.

USE LOWER PORTION FOR REPLY

REPLY FROM

DATE

S-marque®

INTER-OFFICE MEMO

TO REPLY: RETAIN WHITE ORIGINAL — RETURN PINK



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont.

PLANNING & DEVELOPMENT	
DA-87-29 JUN 03 1987	
L8N 314 (416) 526-4170	
DIR.	
PR. 3 A.	
REICH.	
DEV.	
E. & U.D.	VM VM
STAFF	JS
CART.	
ADMIN.	

I.D. #0067D(31)

June 1, 1987

Refer to File No. E220-1807
Attention of K. A. Brenner
Your File No. DA-87-29

TO: V. J. Abraham, Planning and Development
Att: J. Sakala

FROM: K. A. Brenner, Planning Manager

RE: Site Plan Control Application DA-87-29 for
90 Multiple Residential Units at 605 Stone
Church Road East

We have the following comments on this application:

- (1) Any works which may occur within the adjacent road allowances (as widened) must conform to the respective Streets By-Law.
- (2) The chainlink fence adjacent to the Stone Church Road access is to be recessed a minimum of 3m from the entrance.
- (3) The wooden fence adjacent to the west property line is to be recessed 3m from the road allowance limits of Stone Church Road as widened. Landscaping must be recessed accordingly also.
- (4) The fencing adjacent to the future roadway connections into the development must be recessed to provide for 3m setbacks from the entrance limits.
- (5) As the applicant has been aware, the future grade of the Stone Church Road will be changed due to the proposed vertical grade change on Stone Church Road at the east limit of the subject lands. Therefore we recommend that the grading plan be revised to indicate the future elevation of the Stone Church Road road allowances as shown in red on the grading plan. Grading of north/south street should be determined at this time to ensure compatible grades between the driveway and the future pavement.

Cont'd

Construction of Banquet Facility at Lands
on the East Side of Upper Ottawa Street,
North of Rymal Road East

Cont'd

- (6) According to the plans submitted, there is a proposed path leading to Stone Church Road at the south-east property limit. Due to the present alignment of Stone Church Road, we suggest that the opening not be provided at this time since pedestrians may be encouraged to cross Stone Church Road at this location.
- (7) The grading plan is not satisfactory:
- (a) The area to be drained towards the north is extremely large.
 - (b) The proposed drainage swale along the easterly limits of the development and onto the vacant properties to the north is inadmissible.


FAR:ALR:mp

FOR ACTION

21.

FROM Planning and Development Department DATE June 30, 1987
TO Planning and Development Committee Refer to File No. DA-87-65
Attention Of V. J. Abraham

PROPOSAL

A request has been received from Mr. N. Zaffiro, solicitor, for the owners of 356 Clifton Downs Road, to reduce the required distance between the existing dwelling unit and the proposed East-West Mountain Freeway from 22.86 m (75 ft.) to 22.19 m (72.83 ft.).

A survey plan of the newly constructed structure has indicated the as built condition of the building and property. The relief requested is to permit the constructed dwelling to remain in its present location.

RECOMMENDATION

That the following resolution be forwarded to City Council:

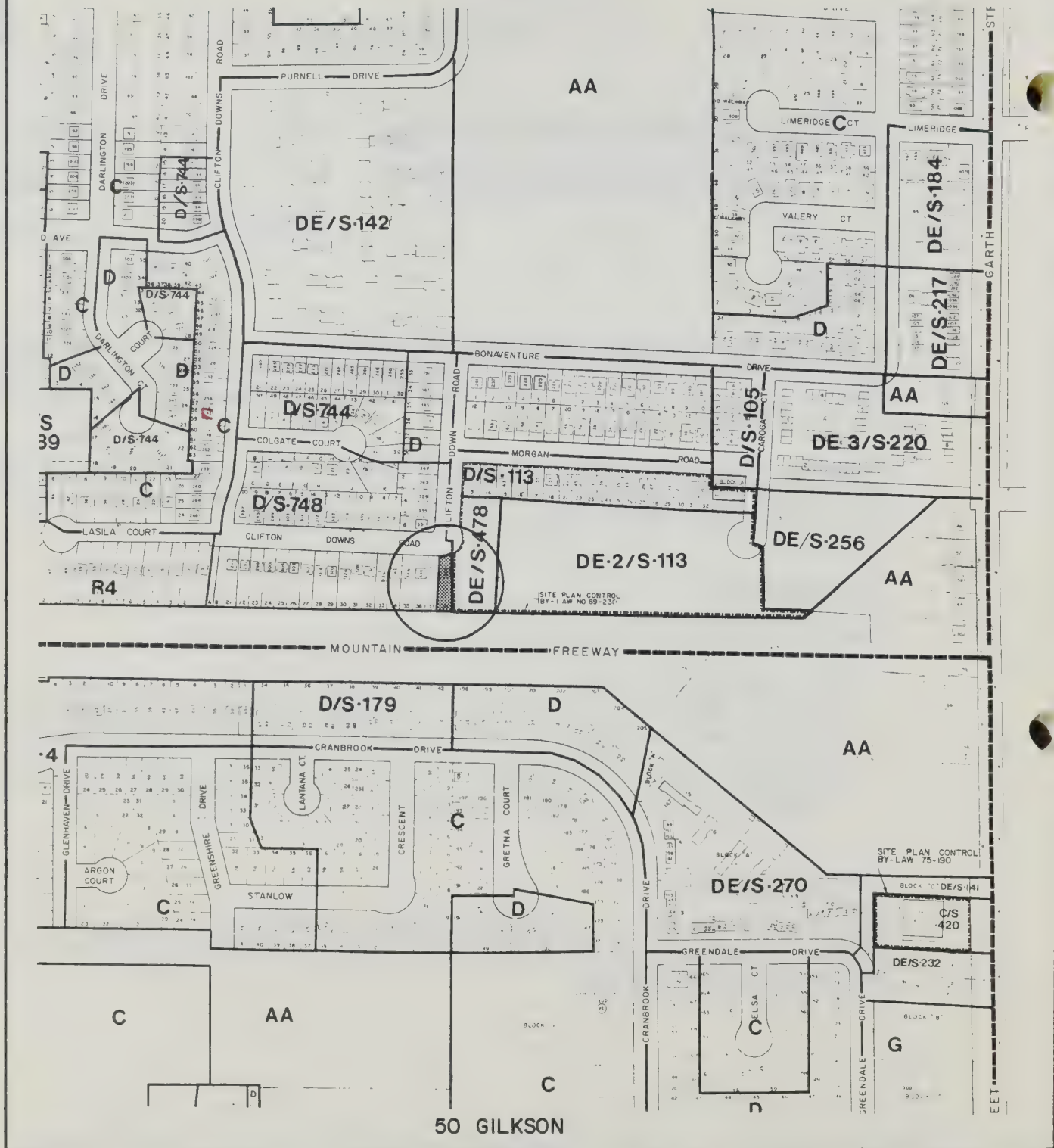
That approval be given to a request by Mr. N. Zaffiro, solicitor for the owner of 356 Clifton Downs Road, to permit a distance of 22.198 m (72.83 ft.) instead of 22.860 m (75 ft.) from the Mountain Freeway lands, as required by the "Residential Development Standards to Control the Effects of Freeway Noise", as adopted by City Council on October 9, 1973 and as amended on June 29, 1976, September 27, 1977 and April 11, 1978.

EXPLANATORY NOTE

The relief requested is to permit the constructed dwelling to remain in its present location at 22.198 m (72.83 ft.) instead of 22.860 m (75 ft.) from the proposed Mountain Freeway.


Victor J. Abraham, M.C.I.P.
Director of Local Planning

VJA/JPS/jd
W.P.DOC.0390P



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-65

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF REQUEST

North



Scale
1:5,000

Date
JUNE, 1987

Reference File No.
DA-87-65

Drawing No.
87-H-65

DA87-65.

BUILDING LOCATION SURVEY OF PART OF
LOT 38 - GILKSON WOODS ADDITION (PHASE 1)
REGISTERED PLAN No. M-286

IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE = 1:250

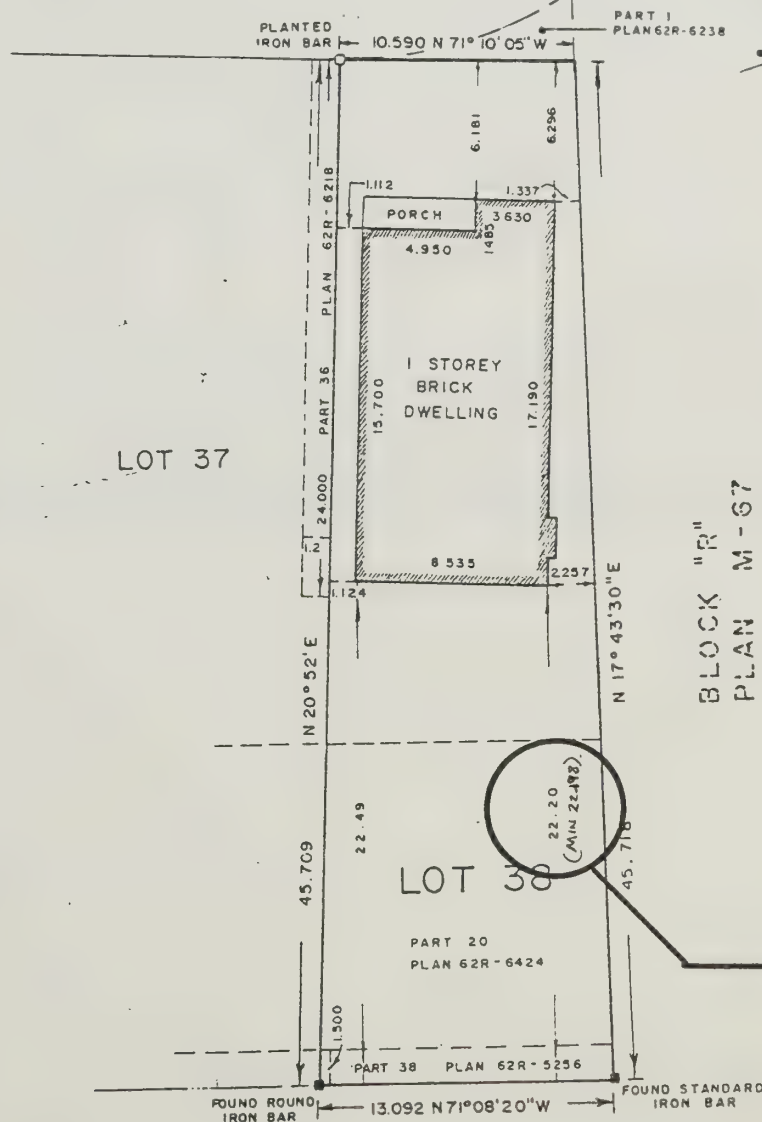
0 1 2 3 4 5 10 METRES



1983.

CLIFTON DOWNS ROAD

#356



TO REDUCE THE
REQUIRED DISTANCE
FROM 22.86m
(75 FT)
TO 22.198m
(72.83 FT).

LOT 20 - CONCESSION 7
TOWNSHIP OF BARTON

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
THE FIELD SURVEY REPRESENTED ON THIS PLAN
WAS COMPLETED ON THE 6th DAY OF SEPTEMBER 1983.

SEPTEMBER 14 1983.

D.G. FRASER O.L.S.

NOTE.

ADDITIONAL INFORMATION ADDED JANUARY 25, 1984.
AND MAY 28, 1987

A.J. CLARKE AND ASSOCIATES
ENGINEERS AND SURVEYORS
HAMILTON ONTARIO

H-13879

FOR INFORMATION

22-

FROM Planning and Development Department

DATE July 3, 1987

T0 Planning and Development Committee

Refer to File No. DA-82-59

DA-87-24

DA-87-27

DA-87-32

DA-87-39

DA-87-43

DA-87-45

Attention Of V. J. Abraham

BACKGROUND

The attached Site Plan Control Applications have been approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

JPS/jd

F O R A C T I O N

FROM Planning and Development Department

DATE June 22, 1987

TO Planning and Development Committee

Refer to File No. DA-82-59
BRULEVILLE
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

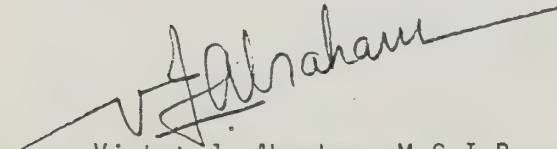
Plans have been submitted for expansion of an existing structure located at 1036 Upper Wentworth Street. A second floor residential dwelling is to be constructed over the existing one floor insurance office structure. A building permit has been issued for the addition limited to extension over only the existing walls. It is intended that the second floor project over the existing driveway and form a carport area and extension of the residential area.

Two parking spaces are provided at the rear of the property.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-82-59 by Mr. Duncan Beattie, owner of the lands at 1036 Upper Wentworth Street for extension of the proposed second floor residential unit subject to approval of a variance or a zoning change to permit the building expansion; and further,

That the owner be exempt from signing the "undertaking" on the plans.

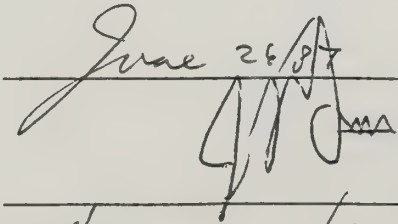
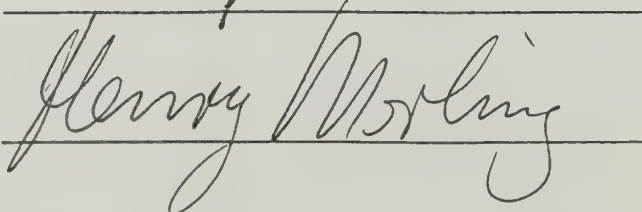

Victor J. Abraham, M.C.I.P.
Director of Local Planning

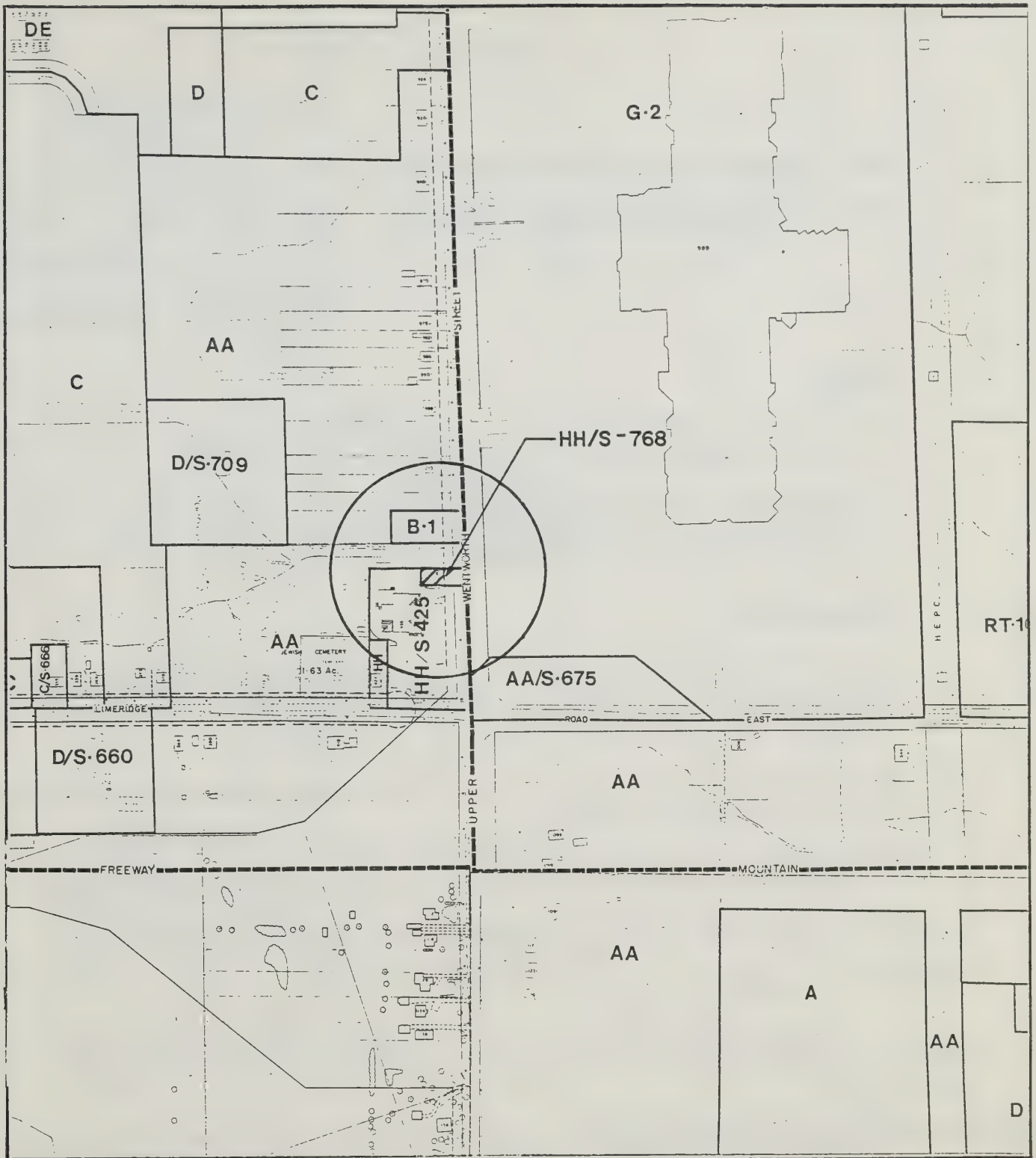
Approved On:

Alderman John Smith
Chairman

Alderman Henry Merling
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL APPLICATION DA-82-59

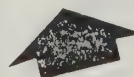
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5000

Date
October 1982

Reference File No.
DA-82-59

Drawing No.
82-H-134

F O R A C T I O N

FROM	<u>Planning and Development Department</u>	DATE	<u>June 16, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	DA-87-24 RYMAL <u>NEIGHBOURHOOD</u>
		Attention Of	V. J. Abraham

PROPOSAL

Plans have been submitted for a one storey industrial complex to be developed at the south-west corner of Lancing Drive and Unsworth Drive.

The building of 4,125 m² (44,402 sq.ft.) will face Unsworth Drive and have two driveways to Unsworth Drive and one driveway to Lancing Drive. A total of 90 parking spaces and 3 loading spaces will be provided on the site.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-24 by Mr. Fred Gose, owner of Lots 11, 12 and 13 and prospective owner of Lot 46 of Plan 62M-489, at the south-west corner of Unsworth Drive and Lancing Drive for a one storey industrial complex subject to the following:

- a) modification to the plans related to dimensions, notes and landscaping as marked in red on the plans;
- b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department; and,
- c) incorporation of any final comments from the Building Department.

(NOTED REQUIRED VARIANCE TO YARDS. *pl* JUNE 22).
IF REQUIRED. *pl*.

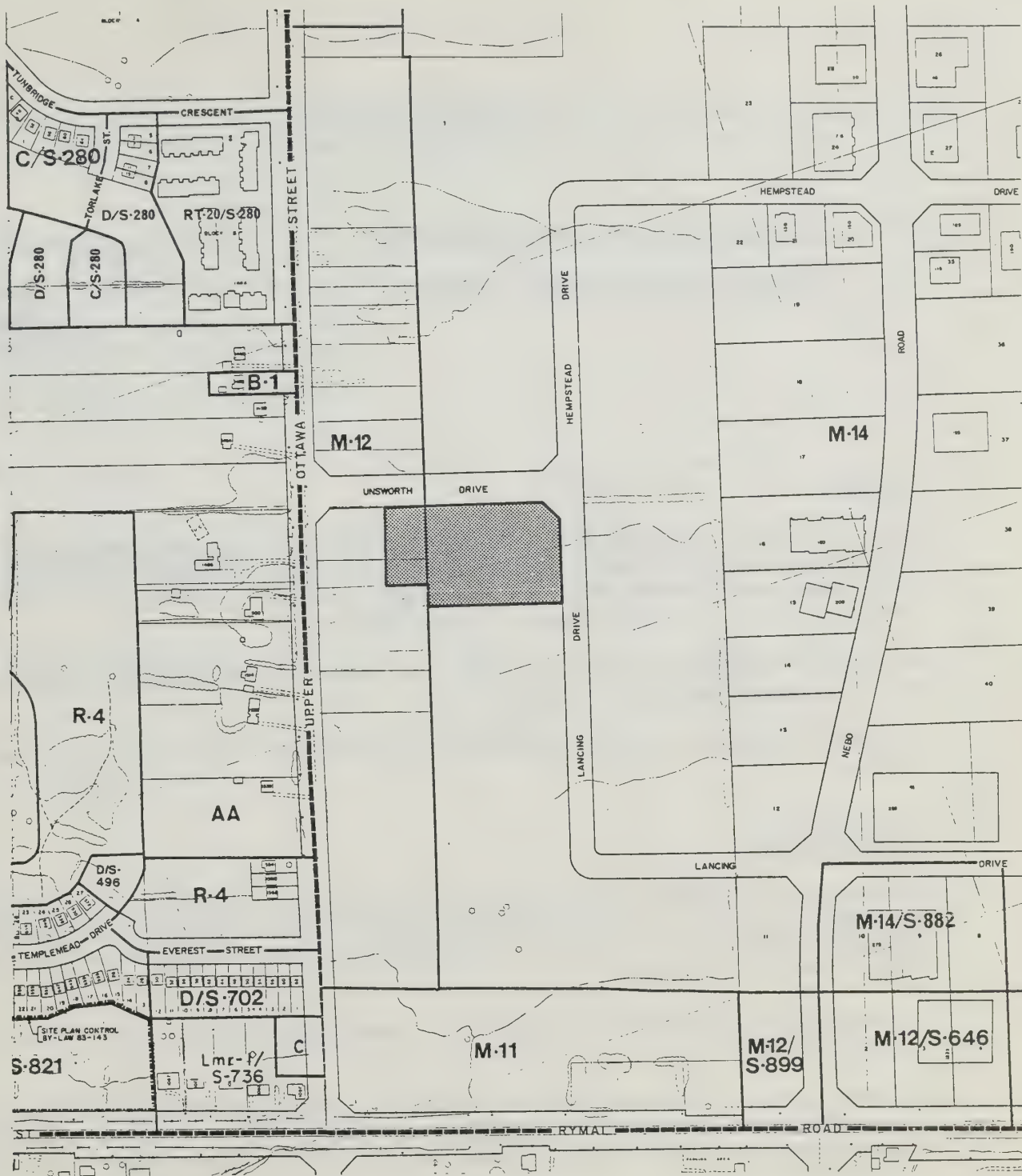
Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

129 TEMPLEMEAD



120 RYMAL

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-24

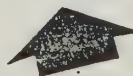
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-24

Drawing No.
87-H-29

F O R A C T I O N

FROM	<u>Planning and Development Department</u>	DATE	<u>June 17, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	DA-87-27
			FESSENDEN
			<u>NEIGHBOURHOOD</u>
		Attention Of	<u>V. J. Abraham</u>

PROPOSAL

Plans have been submitted for a 48 unit condominium apartment complex to be located on the south side of Mohawk Road West, west of Magnolia Drive. The three storey units with garages will be constructed in groups of six units forming a total of eight groups of structures.

Parking for an additional 25 vehicles and three loading spaces are provided centrally on the site.

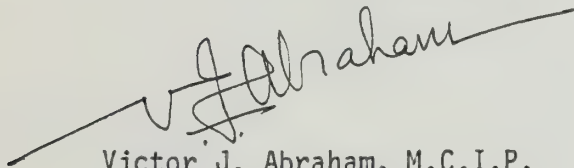
The structures are to be brick-faced with accents of either wood or aluminium siding.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-27 by Spallacci Construction, owner, of the lands on the south side of Mohawk Road West, west of Magnolia Drive for a 48 unit three storey condominium apartment complex subject to the following:

- a) modification to the plan related to dimensions, and notes as marked in red on the plans;
- b) provision of a note on the plan indicating that the owner will proceed to the Committee of Adjustment to request approval of a variance to delete the required three loading spaces and to provide an additional 7 parking spaces;
- c) provision of a 3-way fire hydrant as marked in red on the plans;

- d) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

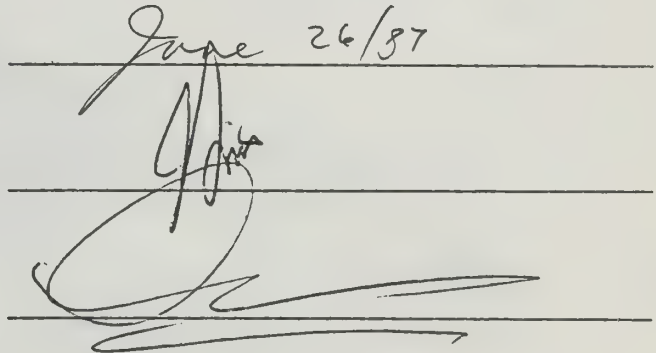

Victor J. Abraham, M.C.I.P.
Director of Local Planning

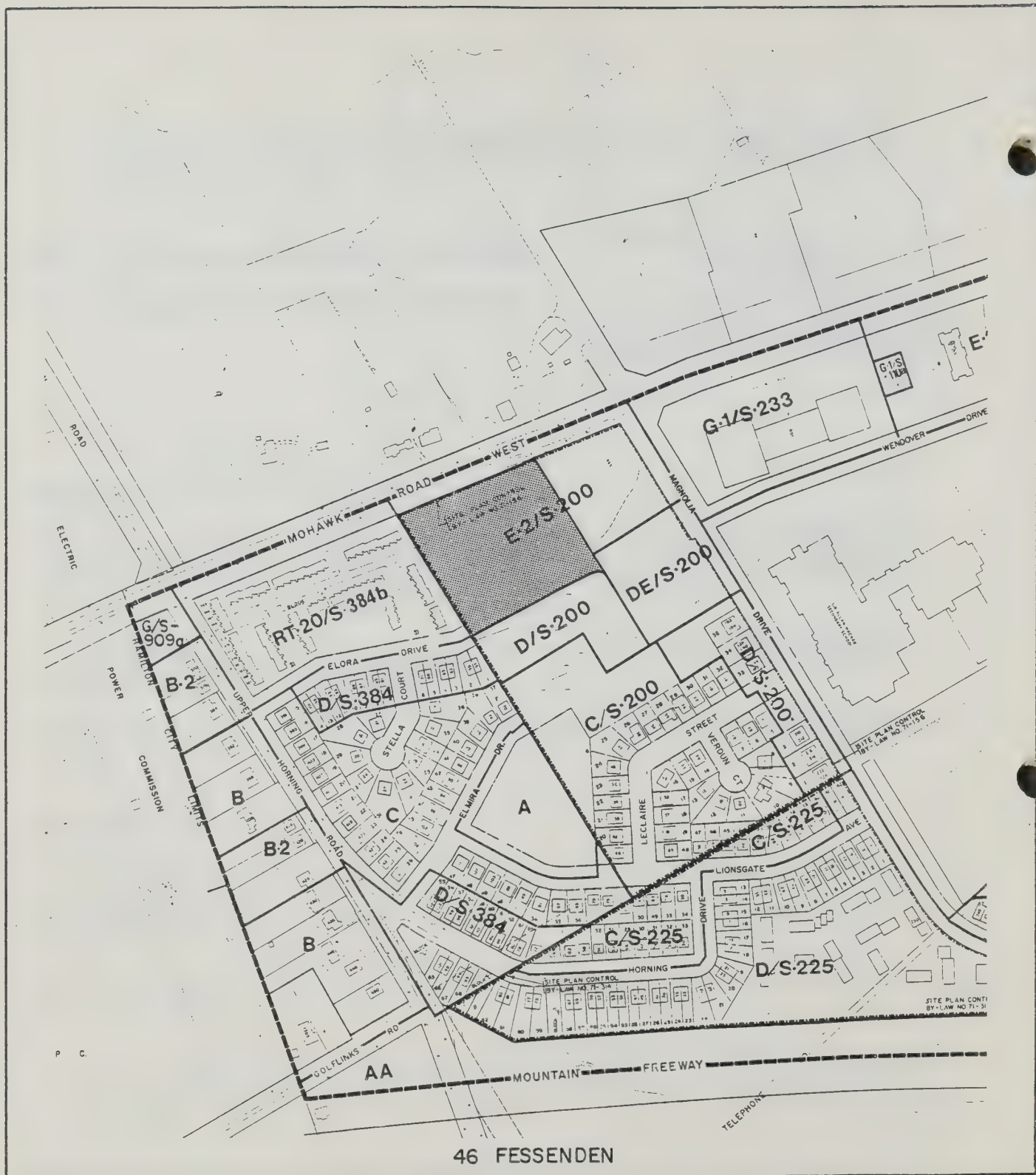
Approved On:

Alderman John Smith
Chairman

Alderman Don Ross
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P





46 FESSENDEN

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-27

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-27

Drawing No.
87-H-32

F O R A C T I O N

FROM	<u>Planning and Development Department</u>	DATE	<u>June 18, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	DA-87-32 RUSHDAL <u>NEIGHBOURHOOD</u>
		Attention Of	<u>V. J. Abraham</u>

PROPOSAL

Plans have been submitted for a 60 unit, townhouse complex to be located on the north side of Stone Church Road, east of Upper Wentworth Street. The one and two storey structures will have split-face concrete block, stucco and metal materials.

Two units only will be one storey and will be for the accommodation of the handicapped. These units have carports at the end of the structures which reduce the required distance between end walls of buildings from 3.5 m to 0.2 m. Approval of the variance is therefore required.

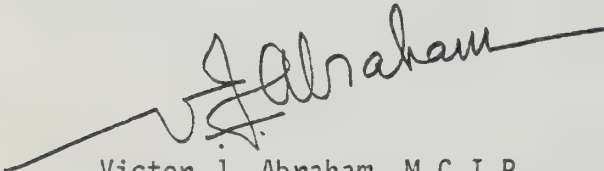
A total of 90 parking spaces are provided on the ring road. The main driveway from the neighbourhood street will be constructed in the near future. In the interim, a temporary access will be provided from Stone Church Road East and replaced with parking when the main access is completed.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-32 by Victoria Park Community Homes, owner as under Offer to Purchase, of lands located on the north side of Stone Church Road East, east of Upper Wentworth Street, for a 60 unit townhouse development subject to the following:

- a) modifications to the plan related to dimensions, notes, visitor parking signs, and landscaping as marked in red on the plans;
- b) approval of the Committee of Adjustment (A-87:137) for the following variances:
 - (i) roof structures over the parking areas of the north-westerly site, handicapped units to extend within the 3.5 m limiting distances from abutting buildings; and,
 - (ii) 7 parking spaces to be partially located within the front yard set back adjacent to Stone Church Road East.
- c) the provision of two 3-way type fire hydrants to be located as marked in red on the plan and to the satisfaction of the Fire Department;
- d) finalization of Land Severance Application H-31-87;


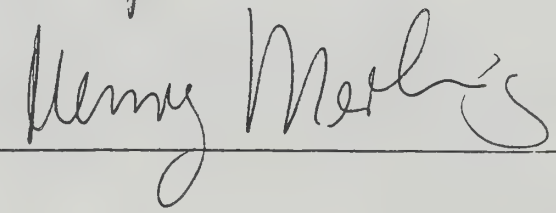
- e) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department; and,
- f) incorporation of final comments from the Building Department.

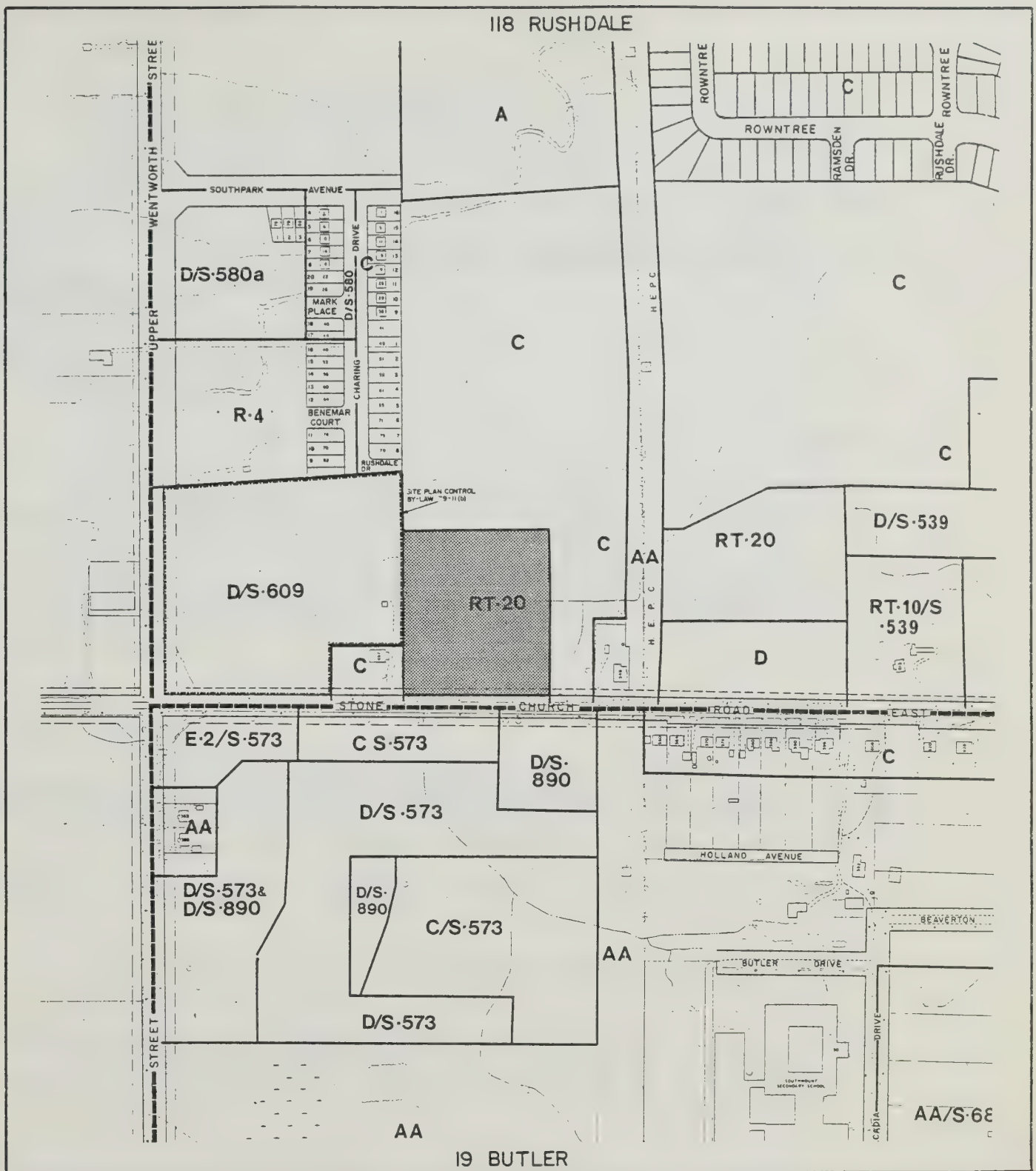

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman

Alderman Henry Merling
Ward Alderman


June 26/87




PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-32

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-32

Drawing No.
87-H-28

FOR ACTION

FROM	<u>Planning and Development Department</u>	DATE	<u>June 22, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	DA-87-39
			CROWN POINT <u>EAST NEIGHBOURHOOD</u>
		Attention Of	V. J. Abraham

PROPOSAL

Plans have been submitted to construct a Burger King Restaurant at the north-west corner of Barton Street East and Kenilworth Avenue North. The site is part of the land owned by Sears Canada Limited.

The one storey structure will be constructed of brick and wood siding and oriented toward Barton Street East. A "drive-thru" operation will also be provided.

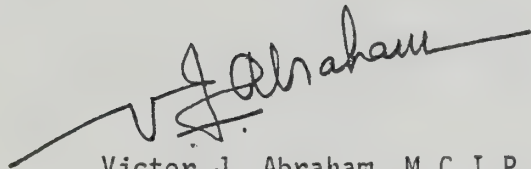
RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-39 by Nysar Management Corp. (Burger King), Licensee of a portion of the property at the north-west corner of Barton Street East and Kenilworth Avenue North, for development of a Burger King restaurant subject to the following:

- a) modification to the plan related to dimensions, notes, and landscaping as marked in red on the plans;
- b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department; and,
- c) provision of a note on the plan indicating that the applicant will provide all required site statistics for the Sears Centre property to the satisfaction of the Building Department at the time of application for the building permit.

.../2

- d) dedication to the Region of Hamilton-Wentworth of a road allowance widening of 6.096 m (20 ft.) along the property abutting Barton Street East (approximately 236 m) and a 10 m x 10 m daylight triangle at the corner of Barton Street East and Kenilworth Avenue North.



Victor J. Abraham, M.C.I.P.
Director of Local Planning

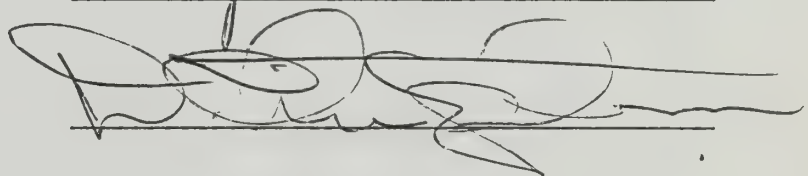
Approved On:

Alderman John Smith
Chairman

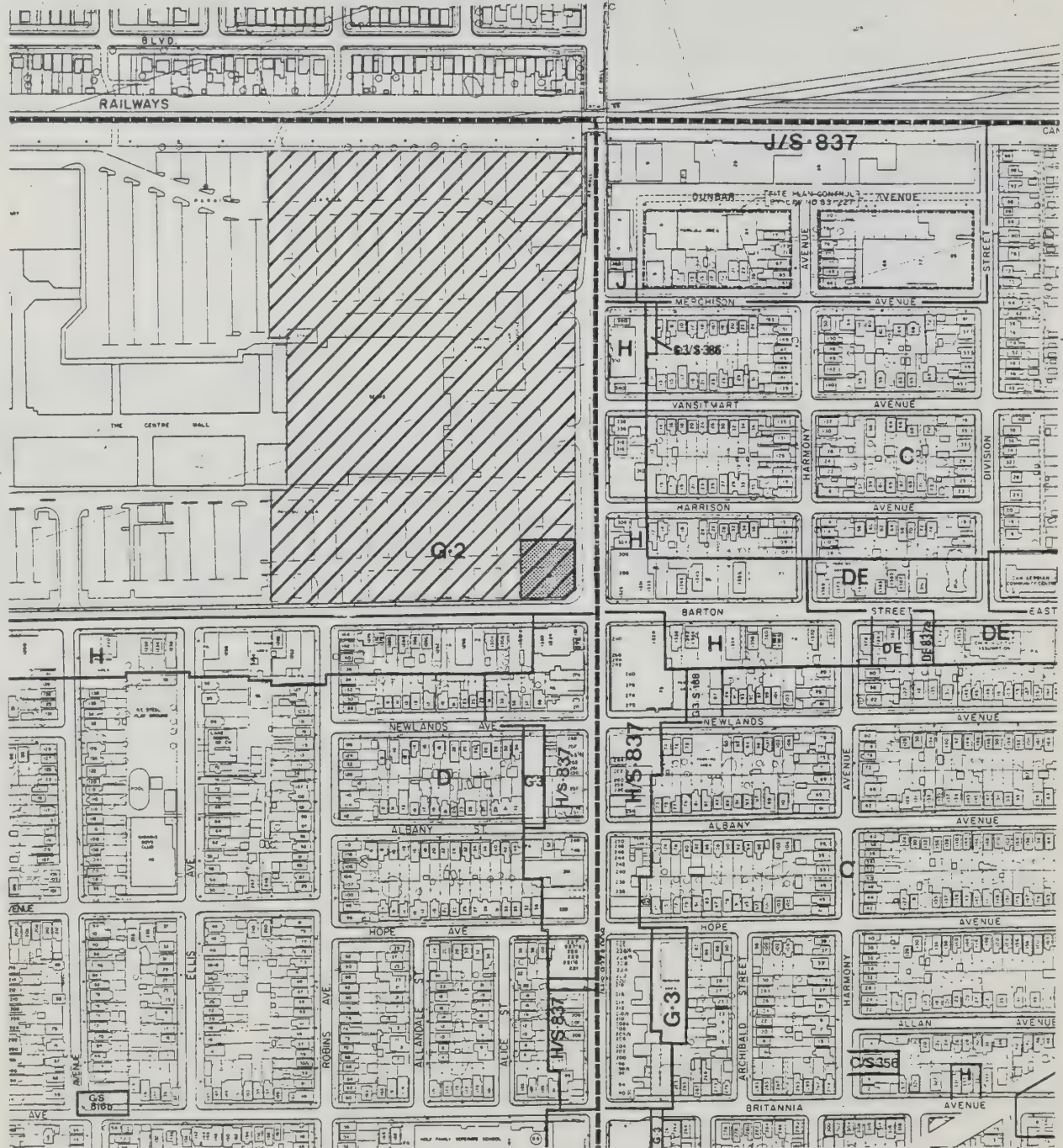
Alderman David Christopherson
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

 June 26/87.



34 CROWN POINT EAST



66 HOMESIDE

PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-39

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SUBJECT PROPERTY



SITE OF THE DEVELOPMENT

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-39

Drawing No.
87-H-40

F O R A C T I O N

FROM	<u>Planning and Development Department</u>	DATE	<u>June 24, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	DA-87-43
			NASHDALE
			<u>NEIGHBOURHOOD</u>
		Attention Of	<u>V. J. Abraham</u>

PROPOSAL

Plans have been submitted for construction of an industrial development to be located on the north side of Keefer Court, east of Kenora Avenue, municipally known as 15 Keefer Court. The one storey building will have a gross floor area of approximately 958 m² (10311 sq.ft.). A total of 20 parking spaces are provided in front of the building and one loading space at the rear of the development.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-43 by Oswald Giamacco, owner, as under offer to purchase of lands on the north side of Keefer Court, east of Kenora Avenue, 15 Keefer Court, for construction of an industrial complex subject to the following:

- 1) modification to the plans related to dimensions and notes as marked in red on the plans;
- 2) inclusion of the comments from the Ministry of Transportation and Communications; and,
- 3) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman

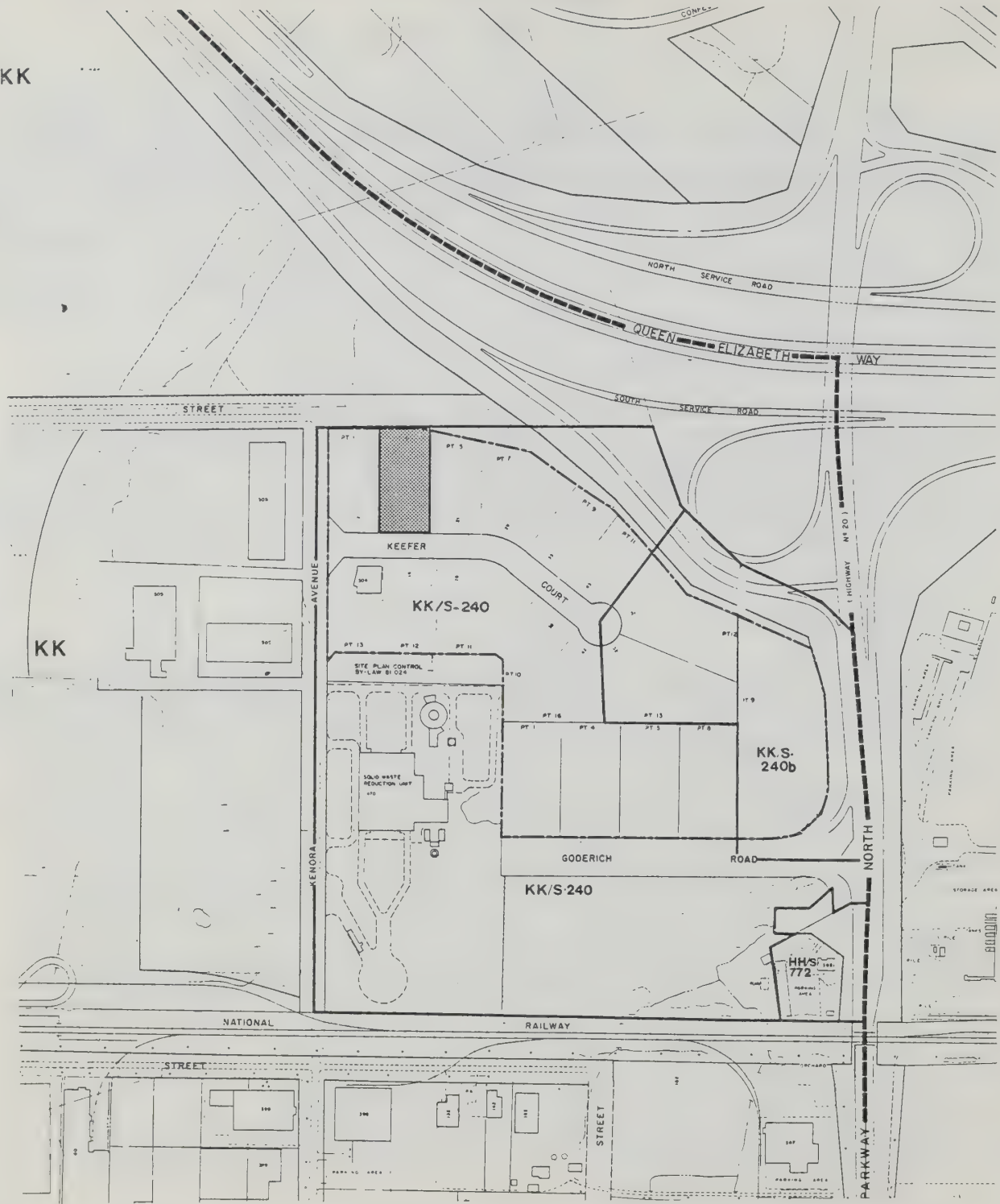
Alderman Shirley Collins
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

July 2/87.
Shirley Collins

104 NASHDALE

KK



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-43

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-43

Drawing No.
87-H-44

F O R A C T I O N

FROM Planning and Development Department

DATE June 24, 1987

T0 Planning and Development Committee

Refer to File No. DA-87-45
(DA-86-113)
SUNNINGHILL
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted to amend approved plans to Site Plan Control Application DA-86-113 for an addition on the south side of the south-east block of the Fennell Shopping Centre. The proposed addition is approximately 131 m² (1413 sq.ft.). A total of 442 parking spaces are provided.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-45 by River Dell Holding Ltd., owner of lands at 1007 Fennell Avenue East to amend approved plans of Site Plan Control Application DA-86-113 for an addition of approximately 131 m² subject to the following:

- a) modification to the plans related to dimensions and notes as marked on the plans;
- b) approval by the Committee of Adjustment of the variance to reduce the required front yard on Fennell Avenue from 11.0 m (36.09 ft.) to 6.1 m (20 ft.); and,
- c) submission of revised grading plans to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

Victor J. Abraham, M.C.I.P.
Director of Local Planning

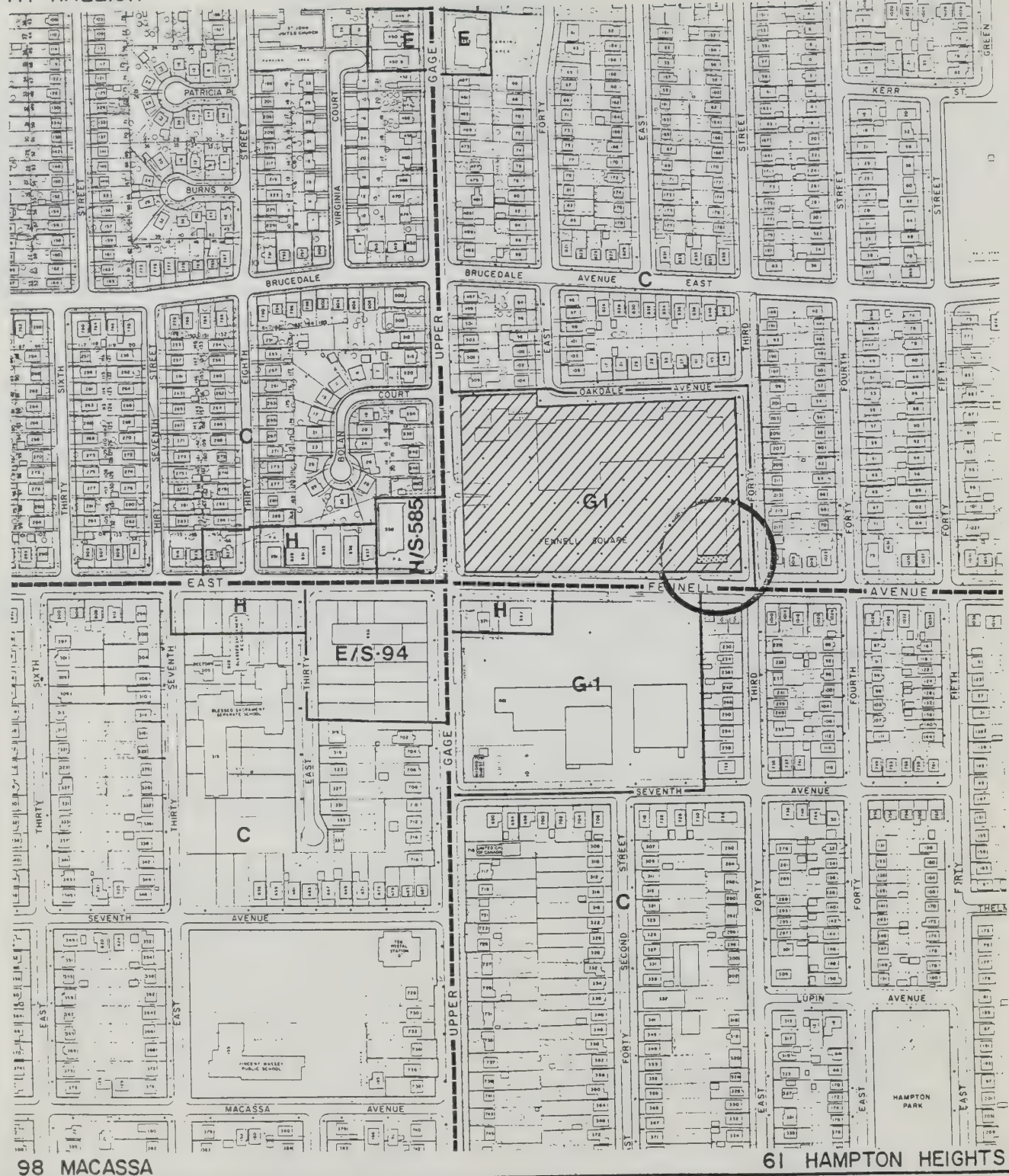
Approved On:

Alderman John Smith
Chairman and Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

111 RALEIGH

128 SUNNINGHILL



98 MACASSA

61 HAMPTON HEIGHTS

PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-45

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION



AREA OF THE ADDITION

North



Scale
1:5,000

Date
JAN., 1987

Reference File No.
DA-87-45

Drawing No.
87-H-5

F O R A C T I O N

23.

From: PLANNING AND DEVELOPMENT DEPARTMENT

Date: June 29, 1987

To: PLANNING AND DEVELOPMENT COMMITTEE

Refer to File No. 25T-77005

SA-77-05

Attention: V. J. Abraham

Your File No. _____

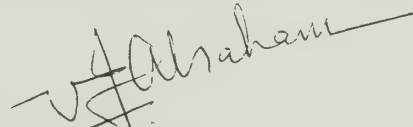
SUBJECT

Application for extension of draft approval
Regional File No. 25T-77005 - Templemead No. 3.

RECOMMENDATION

That the Region be requested to grant a one year extension to the draft approval for Templemead No. 3 Subdivision (Regional File No. 25T-77005).


J. D. Thoms, M.C.I.P.
Commissioner, Planning and Development


V. J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

Owners

Templemead No. 3 - First Pioneer Investments Limited.

History

Templemead No. 3 (Templemead Neighbourhood)

Draft approved August 10, 1978, for 6 lots for street townhouses, 18 lots for semi-detached dwellings and a large block for commercial purposes (Plantation Motor Hotel).

Extended in 1981 for two years and in 1983, 1984, 1985 and 1986 for one year periods.

On July 19, 1983, the Regional Land Division Committee approved an application for consent to convey part of the lands of the commercial block surrounding the Plantation Motor Hotel, thus leaving two vacant areas to the east and west of the hotel and the proposed lots as described above for inclusion on the future final plan of subdivision.

Present lapsing date August 10, 1987.

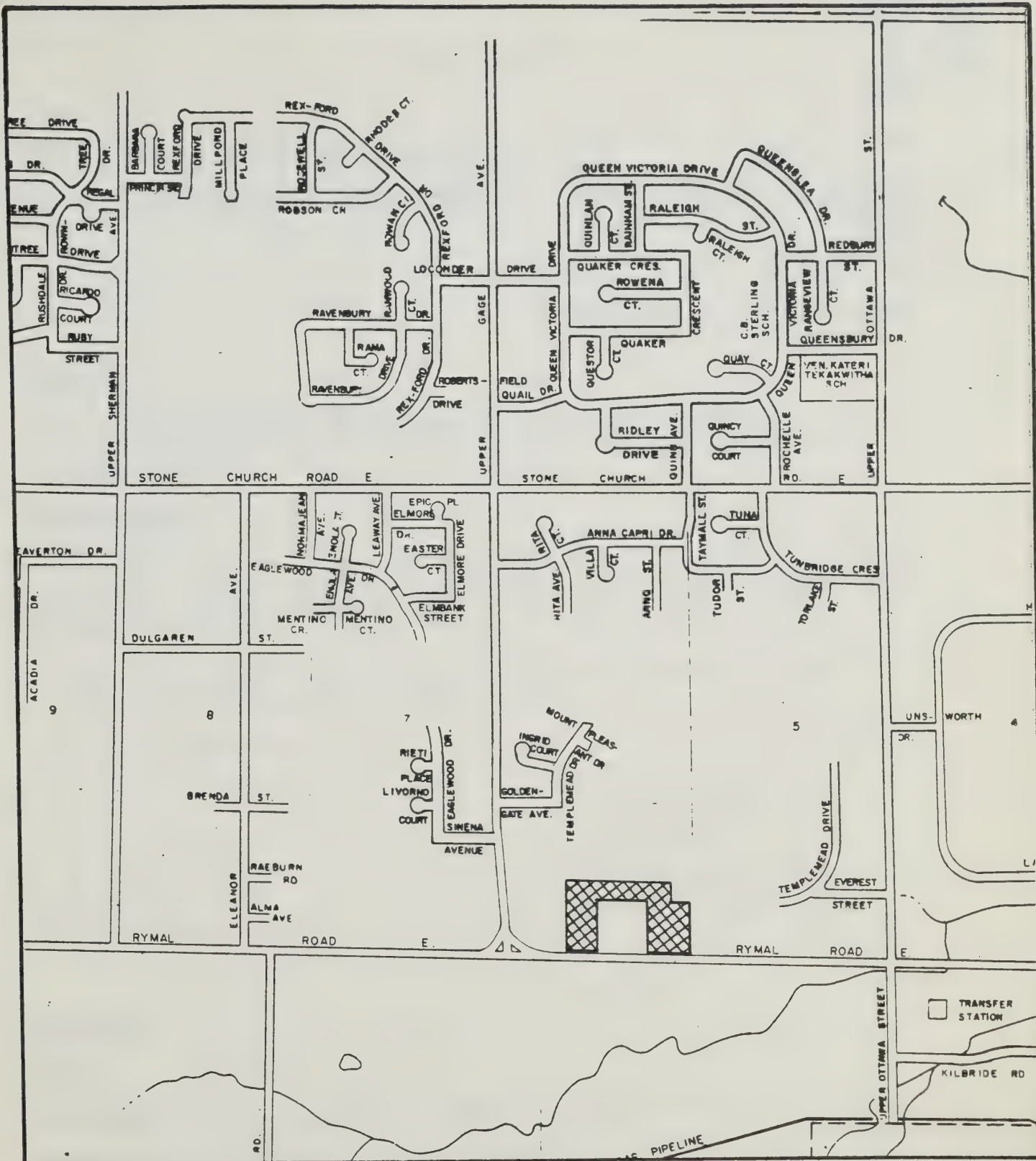
Requesting a further extension for an unspecified period, due to current economic conditions.

COMMENTS

The City Council originally recommended approval of the aforementioned draft plans subject to certain conditions which were subsequently included in the conditions of approval established by the Region. The conditions of approval are still appropriate and no requests have been made to revise the plans or the conditions. Therefore, the extension can be recommended for the normal period of one (1) year.

CMD:dc

W.P. Doc. #0086P



Location Plan For
TEMPLEMEAD No 3
 PARTS OF LOTS 5 & 6-CON.8
 FORMERLY TOWNSHIP OF BARTON
 NOW IN
CITY OF HAMILTON

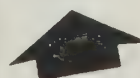
Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale
N. T. S.

Date
 JULY 2, 1987

Reference File No.
 25 T-77005

Drawing No.

FOR ACTION

24.

FROM: Planning and Development Department

DATE: June 17, 1987

TO: Planning and Development Committee

Refer to File No. 25CDM-87007

SA-87-08

Durand

Neighbourhood

Attention

V. J. Abraham

SUBJECT

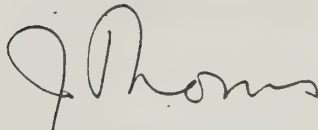
Application to the Region for the approval of a plan of Condominium, Regional File No. 25CDM-87007, City of Hamilton, File No. SA-87-08 to construct 21 apartment units.

RECOMMENDATION

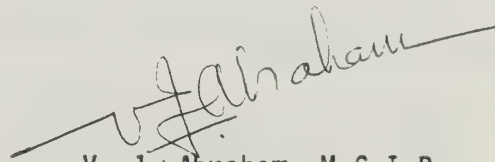
That approval be given to application SA-87-08 "The Garrison Project", 603792 Ontario Inc., owner, to establish a Draft Plan of Condominium located on the south side of Robinson Street and east of Park Street, subject to the following condition:

1. That this approval apply to the plan prepared by Lawrence G. Woods, Ontario Land Surveyors, dated March 4, 1987.

Respectfully submitted,



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Owner

603792 Ontario Inc., John Moschini, Hamilton, Ontario.

Surveyor

Lawrence G. Woods, O.L.S., Hamilton, Ontario.

Location

The lands comprising, 1.23 ha., are located on the south side of Robinson Street, east of Park Street, being lot 11 and part of lots 10 & 12, Registered Plan No. 191, within the Durand Neighbourhood in the City of Hamilton.

Proposal

The owner proposes to construct 21 apartment units in one apartment building, as a condominium project.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Area - Existing Development". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Medium Density Apartments".

Zoning - the lands are zoned to permit the development, and the project received Site Plan approval on September 14, 1983 (DA-83-38).

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal.

Ministry of the Environment
Niagara Escarpment Commission
City of Hamilton Board of Education
Ontario Hydro, Union Gas, Bell Telephone
City of Hamilton Traffic Department

City of Hamilton Building Department

"The lane encroachment and the future fence are not shown on the plans approved by The Planning and Development Committee No. DA-83-38."

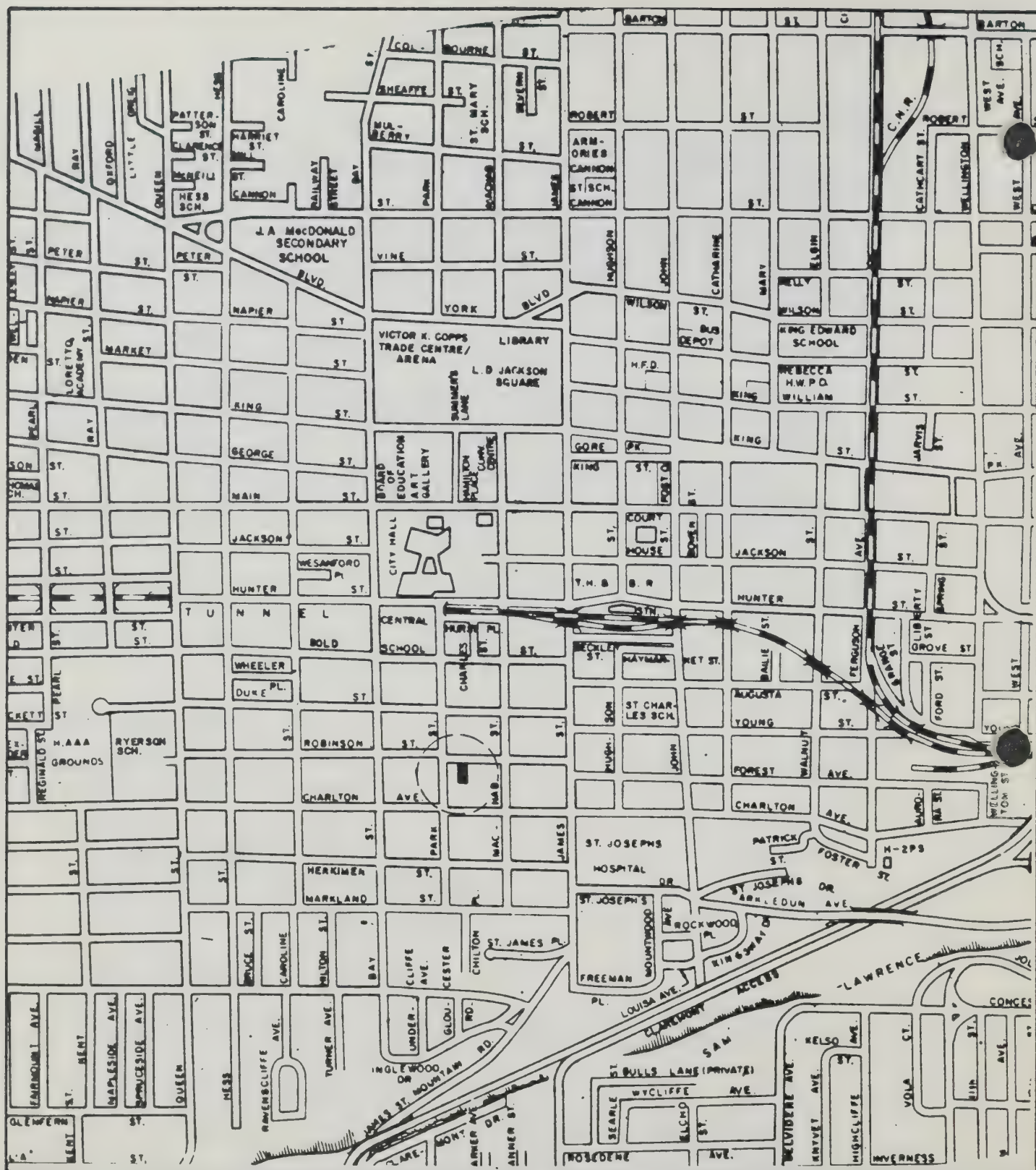
Hamilton-Wentworth Department of Engineering

- "1) Municipal sewers and watermains are available to service these lands.
- 2) The submitted plan, as prepared by Sidney W. Woods Inc. and dated March 4, 1987, is satisfactory to the above comments and recommendations.
- 3) The applicant make satisfactory financial arrangements with the Region."

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. The circular driveway entrance at the front of the building and the entrance canopy, appears to be altered from the approved Site Plan (DA-83-38). An amendment to the approved Site Plan could address this discrepancy.
3. No commenting agency has objected to the plan of condominium.
4. The plan of condominium is not a conversion, therefore, is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversions.
5. The requirements of a financial agreement with the Region can be implemented through the condition of draft approval by the Regional Municipality.

FK/11



Location Plan For

THE GARRISON PROJECT

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

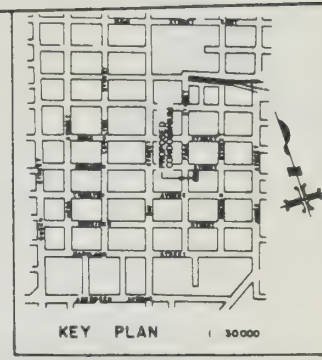
North

Scale
N. T. S.

Date
JUNE 17, 1987

Reference File
25CDM-87007

Drawing No.



- SCHEDULE RE: SECTION 50 (2)
THE PLANNING ACT
- A) SHOWN ON PLAN
 - B) SHOWN ON PLAN
 - C) SHOWN ON PLAN
 - D) RESIDENTIAL
 - E) SHOWN ON PLAN
 - F) SHOWN ON PLAN
 - G) SHOWN ON PLAN
 - H) MUNICIPAL WATER AVAILABLE
 - I) CLAY LOAM
 - J) SHOWN ON PLAN
 - K) MUNICIPAL SERVICES AVAILABLE
 - L) SHOWN

DRAFT PLAN OF CONDOMINIUM
SHOWING
ALL OF LOT 11 & PART
OF LOTS 10 & 12
AT WOOD - REGISTERED PLAN NO 191
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH
SCALE 1:100
SIDNEY W. WOODS INC
1987

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN
METRES AND CAN BE CONVERTED TO FEET
BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
THE BOUNDARIES OF THE LANDS UNDER
APPLICATION BY THIS PLAN AND THEIR
RELATIONSHIP TO ADJACENT LANDS ARE
ACCURATELY AND CORRECTLY SHOWN

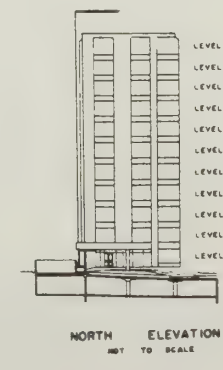
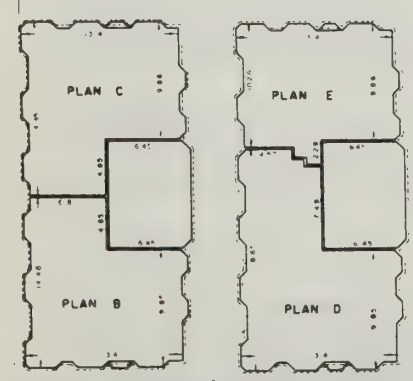
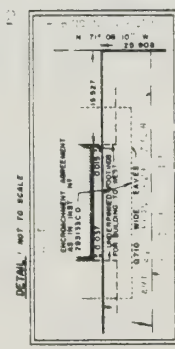
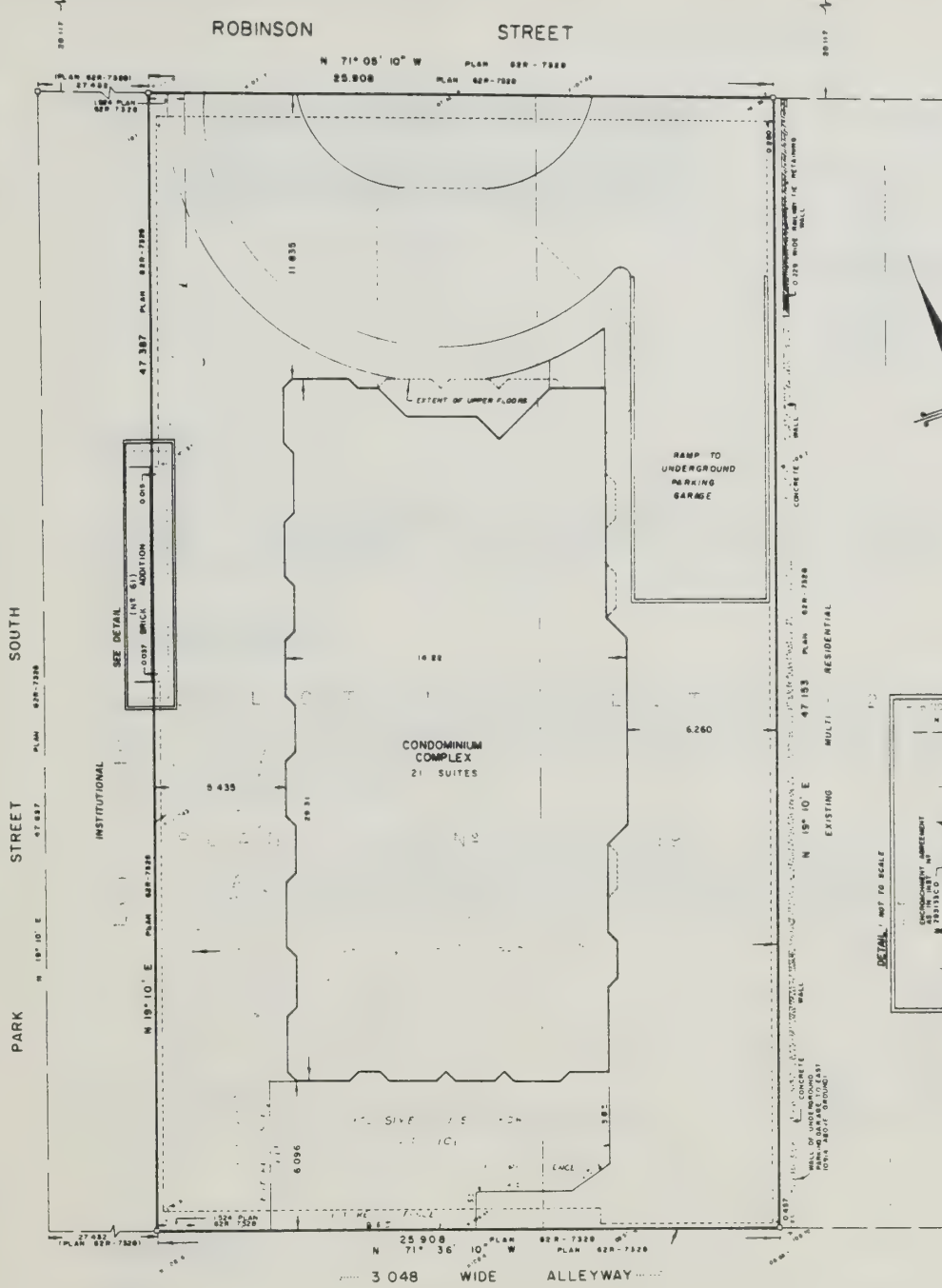
HAMILTON - ONTARIO
MARCH 4, 1987
LAWRENCE S. WOODS
ONTARIO LAND SURVEYOR

OWNER'S CERTIFICATE

WE HEREBY AUTHORIZE SIDNEY W. WOODS INC
ONTARIO LAND SURVEYORS, TO SUBMIT THIS
PLAN FOR APPROVAL

FEBRUARY 23, 1987
DATE
JOHN MOSCHINI
SECRETARY TREASURER
603792 ONTARIO INC

ELEVATIONS SHOWN HEREON ARE
TAKEN FROM THE MUNRO GROUP INC.
ARCHITECTURAL DRAWINGS
+ 0000 DENOTES EXISTING ELEVATION



SIDNEY W. WOODS INC.
ENGINEERS & SURVEYORS
HAMILTON - ONTARIO

F O R A C T I O N

25.

From: PLANNING AND DEVELOPMENT DEPARTMENT

Date: June 17, 1987

To: PLANNING AND DEVELOPMENT COMMITTEE

Refer to File No. 25CDM-87003

SA-87-03
Ainslie Wood West Neighbourhood

Attention: V. J. Abraham

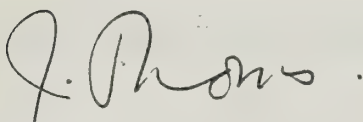
SUBJECT

Application to the Region for the approval of a plan of Condominium, Regional File No. 25CDM-87003, City of Hamilton, File No. SA-87-03 to construct 15 Townhouse Units.

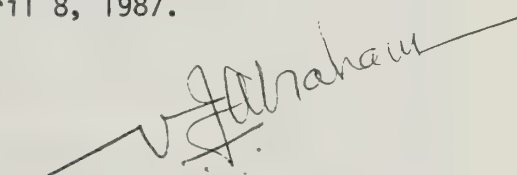
RECOMMENDATION

That approval be given to application SA-87-03 "Highland Mews", Highland Mews Inc., owner, to establish a draft plan of Condominium located on the south side of Main Street West and west of White Chapel Cemetery, subject to the following condition:

1. That this approval apply to the plan prepared by Ashenhurst Nouwens Limited, Professional Engineers and Ontario Land Surveyors, dated January 16, 1987 and revised on April 8, 1987.



J. D. Thoms, M.C.I.P.
Commissioner, Planning & Development



V. J. Abraham, M.C.I.P.
Director, Local Planning

BACKGROUND

OWNER

Highland Mews Inc., Hamilton, Ontario.

SURVEYOR

John P. Nouwens, O.L.S., Hamilton, Ontario.

LOCATION

The lands, comprising 0.426 ha, are located on the south side of Main Street West and west of the White Chapel Cemetery, being part of Lot 53, Concessions 1 and 2, formerly in the Township of Ancaster, now in the City of Hamilton.

PROPOSAL

The owner proposes to construct 15 Townhouse Units in five buildings as a condominium project.

EXISTING DEVELOPMENT CONTROL

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Area - Existing Development". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Attached Housing".

Zoning - the lands are zoned to permit the proposed development which received Site Plan Approval on March 4, 1987 (DA-86-112).

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the development:

Ministry of the Environment (subject to standard noise conditions for units 1, 2 & 15).
Ministry of Citizenship and Culture
Niagara Escarpment Commission
Hamilton Region Conservation Authority
City of Hamilton Board of Education
Ontario Hydro (subject to grading and drainage conditions), Union Gas, Bell Telephone
City of Hamilton Building Department
The Hamilton Public Library
City of Hamilton Traffic Department

Hamilton-Wentworth Department of Engineering

- "1) Municipal sewers and watermains are available to service these lands.
- 2) We recommend that the Final Plan of Condominium not be released until the site plan application has been approved by the City and the 2 plans agree.
- 3) The submitted plan, as prepared by Ashenhurst Nouwens Limited and dated January 16, 1987 is satisfactory subject to the above comments and recommendations."

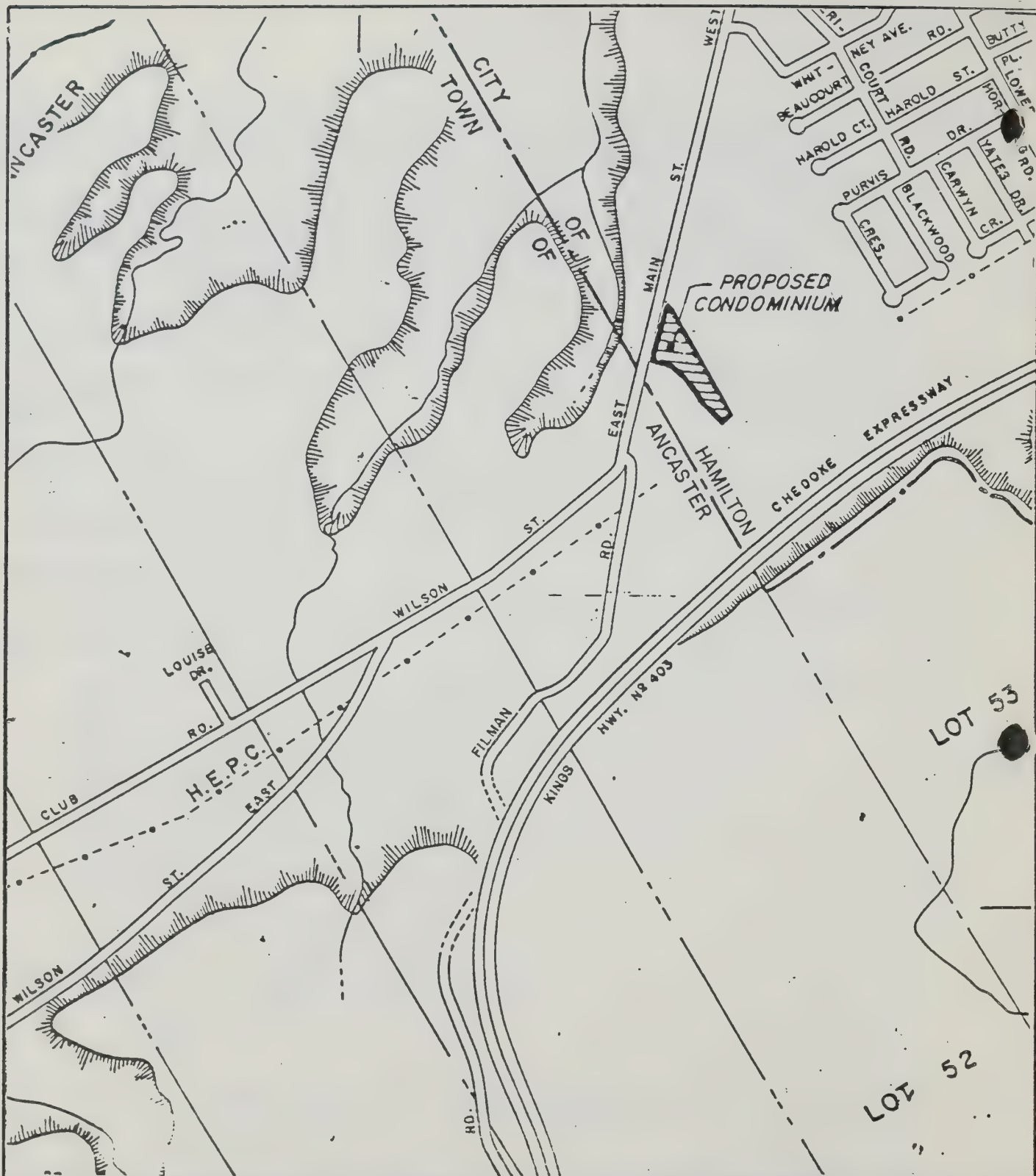
COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.

3. The plan of condominium is not a conversion therefore, is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversions.
4. The requirements of the Ministry of the Environment, Ontario Hydro and a financial agreement with the Region can be implemented through the condition of draft approval by the Regional Municipality.

FK:dc

W.P. Doc. #0086P
Pages #27 - 29



Location Plan For

HIGHLAND MEWS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED CONDOMINIUM

North



Scale

N. T. S.

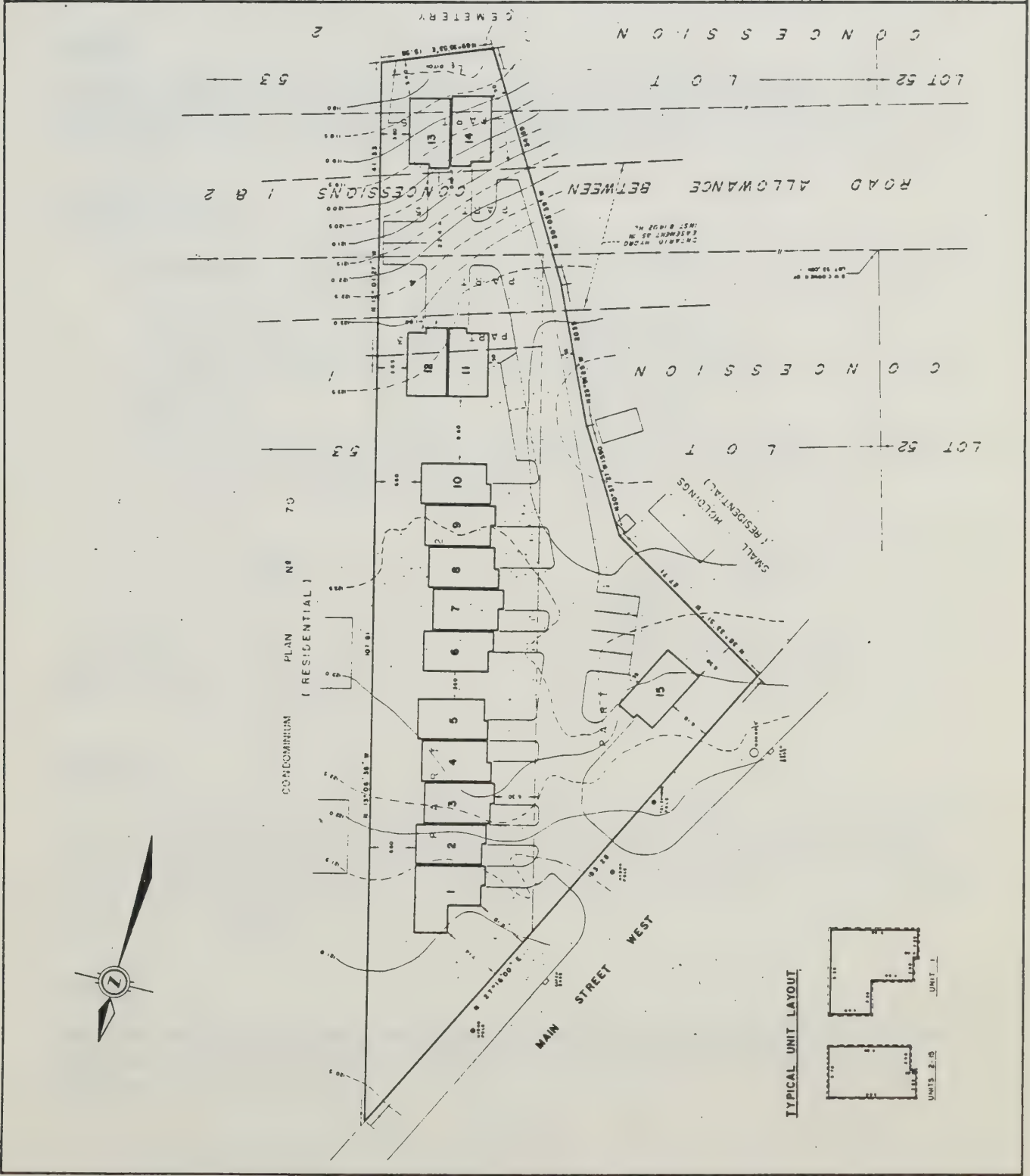
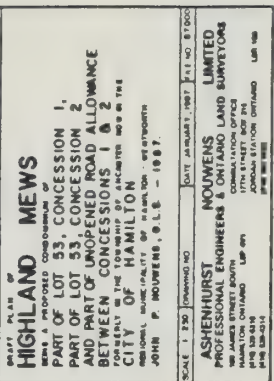
Date

JAN.30,1987

Reference File No.

25 CMD-87003

Drawing No.



FROM: Planning and Development DepartmentDATE: July 6, 1987TO: Planning and Development CommitteeRefer to File No. 415
D.6.2Attention V. J. AbrahamSUBJECT

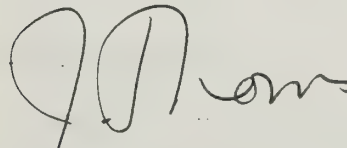
Proposed renaming of roads as requested by the Police Department, Fire Department and the Central Ambulance Communication Centre involving Aimee Avenue, Fiona Court, Greenguild Court, Greencedar Court and Como Drive.

RECOMMENDATION

1. That Approval be given to proceed with the required publication to rename

Aimee Avenue	to	Rockview Avenue
Fiona Court	to	Joseph Court
Greenguild Court	to	Francesca Court
Greencedar Court	to	Cedarlawn Court
Como Drive	to	Como Place

2. That approval be given to hold a public meeting to consider the passing of a By-law to change the names of the above mentioned roads.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director, Local Planning

BACKGROUND

The Police Department, Fire Department and the Central Ambulance Communication Centre requested that the roads mentioned in the recommendation be changed. In the delivery of their services it became apparent that the similarity of spelling and/or pronunciation of the above noted streets with existing streets may lead to confusion.

COMMENTS

The proposed street names have been submitted to the Regional Planning and Development Department for consideration by the owners of the various Registered Plans involved.

The proposed street names have been circulated to the Police Department, Fire Department and the Central Ambulance Communication Centre who advised that the same are acceptable.

The requests are considered to be appropriate and in order.

In keeping with the procedure for renaming of roads, a notice of a public meeting to consider passing a by-law to change the street names shall be published four (4) successive weeks in a local newspaper.

JLS/11

F O R A C T I O N

28.

FROM Planning and Development Department

DATE

July 9, 1987

TO Planning and Development Committee

Refer To File No. P5-4-28-1
Municipal Housing
Statement Update

Attention Of V.J. Abraham

SUBJECT

Municipal Housing Statement Update - Terms of Reference.

RECOMMENDATIONS

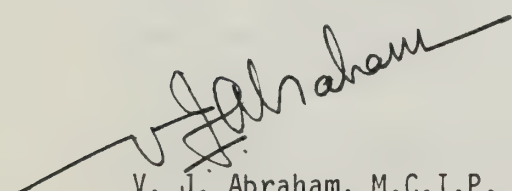
1. That the Planning and Development Committee:
 - a) authorize the preparation of the Municipal Housing Statement Update, as per the Terms of Reference, attached as APPENDIX "A".
 - b) request that application be made to the Ministry of Housing for a grant of \$25,000, to assist with the completion of this study.
2. That Regional Council endorse the Terms of Reference for the Municipal Housing Statement Update, and that the City of Hamilton be so advised.

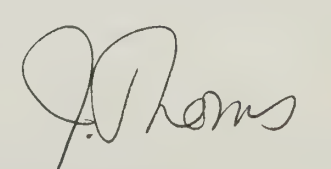
EXPLANATORY NOTE

It is proposed that the Municipal Housing Statement Update be prepared to provide current information on the housing market in Hamilton. In particular, information is required on the demand for non-profit housing and the supply of affordable rental housing, to address current housing initiatives and legislation. A thorough review of all housing characteristics is required to monitor recent changes in housing supply and cost and their implications on housing policy and targets.

Funding is available from the Ministry of Housing, in the form of a grant of up to \$25,000, to assist with the preparation of the Update.

A Terms of Reference for the Update is attached as APPENDIX "A".


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

There is a need for current information on housing supply and demand to enable the review of housing policies, actions and targets.

There has not been a comprehensive review of the housing market in Hamilton since the 1982 Municipal Housing Statement Update. The original Municipal Housing Statement was prepared in 1976. Annual monitoring of key housing indicators was done from 1976 to 1984, but has been discontinued due to staffing constraints.

Information on individual housing characteristics is available from a number of sources, such as CMHC, Statistics Canada, Regional Assessment and the Building Department. However, there is currently no mechanism for monitoring and evaluating these various factors as a whole in order to assess housing needs and deficiencies.

There is a particular need for information on the demand for assisted housing. The Municipal Non-Profit Housing Corporation and private non-profit groups have requested that an Assisted Housing Survey in the form of a questionnaire of family housing needs be undertaken as part of a Housing Update. This would enable the review of the three-year targets for assisted housing, prepared in 1982, which have become obsolete. It would also meet requirements of the Ministry of Housing concerning documentation of need in order to receive housing allocations.

Other major areas in which housing data is currently required include:

- detailed information on affordable rental accommodation by area and price in order to evaluate applications made under the Rental Housing Protection Act;
- information on the residential land supply;
- monitoring of rental housing, supply, rental vacancy rates, housing affordability, housing for singles, handicapped, etc.

VG:cs
WPDOC 0559P

APPENDIX "A"

SUMMARY

MUNICIPAL HOUSING STATEMENT UPDATE

BACKGROUND

The study will provide current information on the overall housing market in the City of Hamilton. It will include an evaluation of the existing and future supply and demand for housing units, (especially assisted units), and a review of housing policies.

PURPOSE

Specific needs for housing data include:

- assessing the need for assisted housing units, especially for families;
- monitoring changes in housing supply and demand, especially related to recent trends in the housing market;
- identifying the supply and cost of affordable housing units; and,
- evaluating the annual housing production targets established in the 1982 Housing Statement Update.

STUDY APPROACH

The study will be conducted in a total of six phases, including study design, data collection, analysis, identification of possible solutions, policy development and implementation. Completion and analysis of the Assisted Housing Survey will represent a major portion of the overall update of housing characteristics.

STUDY TIMING AND COST

The Housing Statement Update is anticipated to require approximately nine months to complete, including all phases of study design, completion and review. The study is scheduled to begin in September, 1987. A first draft of the study report will be available by the spring of 1988, and final approval of the report by the Ministry of Housing would be anticipated by September, 1988. The housing data, study report and final recommendations will be reviewed by relevant local agencies and authorities, as well as staff of the Ministry of Housing.

The estimated cost of the study is approximately \$44,300. A grant of up to \$25,000 is available from the Ministry of Housing to assist with the study costs.

MUNICIPAL HOUSING STATEMENT UPDATE

TERMS OF REFERENCE

Introduction

The Municipal Housing Statement Update will provide current information on the housing market, such as supply and demand, and will enable refinement of the housing policy strategy.

The purpose of this Terms of Reference is to:

- provide background on past and current housing monitoring and policy;
- define the objectives of the study;
- describe the study methodology; and,
- outline the study cost, timing and staffing requirements.

Background

The housing market in the City of Hamilton has been reviewed by previous monitoring reports and studies.

The 1976 Municipal Housing Statement was prepared to provide comprehensive housing policies, and a strategy for housing production, for the City of Hamilton. The Housing Statement was based on a report prepared in 1976 by Peter Barnard Associates, entitled Hamilton Housing Needs. Annual targets for the production of housing units were established, based on the growth trends available at the time.

Annual Housing Monitoring reports were prepared following the 1976 Housing Statement, up until the year 1984. These provided information on housing trends, and compared housing production against the 1976 targets. Several other studies were undertaken during this time to address specific components of the housing market, such as assisted housing.

In 1982 a Municipal Housing Statement Update was undertaken, to reassess the housing market, evaluate the relevance of the targets established in 1976 and recommend appropriate actions. The Update provided information on population trends, housing characteristics, building activity, serviced lands and housing supply and demand by type of unit. As a result of the trends identified, the annual targets for housing completions and housing reserve were revised, and targets for non-profit housing were established, as well as other policies. The revised annual targets for 1983 to 1986 were 1,700 total units, which included 825 single detached, 73 semi-detached, 170 row housing and 632 apartments.

Housing Data Requirements

Since the time of the 1982 Housing Statement Update and the latest annual monitoring report produced in 1984, the housing market has undergone further changes. There have been major increases in housing prices in recent years, considerable increases in housing supply and decreases in mortgage rates. Rental units remain to be in relatively scarce supply, as indicated by the low rental vacancy rates. The lack of annual monitoring information; the introduction of new legislation related to rental housing protection; and the need to define the demand for assisted housing units provide additional justification for a comprehensive review of the housing market.

The Municipal Non-Profit Housing Corporation requires updated housing targets, since the latest targets were prepared in 1982, for a three year period. Information on the supply of affordable rental housing is also required to assess proposed renovations or conversions of rental units, under the new Rental Housing Protection Act.

Objectives

The Housing Statement Update is intended to provide a comprehensive, current assessment of the housing market in the City. It will address all relevant aspects of housing supply and demand, as well as including a review of existing housing policies and targets. The assisted housing component of the market will form the most important part of the analysis, as dictated by the current housing situation.

The study will provide information to help meet the following objectives:

- provide information on the supply and demand for non-profit housing, especially for families, which is required by both municipal and private non-profit housing groups, in order to help substantiate the need for assisted housing, and obtain Ministry approval for housing allocations;
- assess current housing supply and demand characteristics in view of recent changes such as increases in house prices and housing supply, and continued shortages of rental units. This trend information is required particularly because annual housing monitoring reports are no longer prepared by the Planning Department;
- allow for a review of existing housing policies;
- evaluate the validity of annual housing production targets established in the 1982 Housing Statement Update;
- examine the current supply of land, and approvals for residential lots; and,

- provide information on the supply and price of rental units in the City, by neighbourhoods or planning divisions, to assist in the evaluation of applications for the renovation or conversion of units under the Rental Housing Protection Act.

Study Approach

The Municipal Housing Statement Update will involve the collection and analysis of data from various sources and development of recommended policies and actions to address housing deficiencies identified.

Information which is available from existing sources will be used as much as possible. This will include statistics from the Regional Assessment Office, the City Building Department and CMHC.

The Assisted Housing Survey will be the only major component of the Study which requires extensive collection of new information. This will be done by means of a mail-out questionnaire to survey relevant households.

The study approach has been defined in terms of the following six major phases:

- Phase I - Study Design and Negotiations;
- Phase II - Data Collection;
- Phase III - Data Review and Analysis;
- Phase IV - Identification of Issues and Solutions;
- Phase V - Development of Housing Policy and Targets; and,
- Phase VI - Implementation Strategy.

The details of the tasks to be completed within each of these phases are outlined in the following sections. The study will also include consultation with affected agencies and authorities, especially the Ministry of Housing, who are providing partial funding for the study. The Ministry guidelines concerning study context and format have been considered in developing the detailed study design which follows.

Phase I - Study Design and Negotiation

This phase will include preliminary work, such as the preparation of terms of reference for the study. Resolutions approving the study must be obtained from City Council and Regional Council prior to the submission of the application for funding to the Minister of Housing. Negotiations with Ministry staff concerning the study design and funding approval are also included in this phase.

Phase II - Data Collection

Information will be collected on a wide range of housing supply and demand characteristics, as well as related demographic and economic indicators. The information to be compiled will include the following:

- population trends and projections by age groups, for past five years and next five years, including a review of migration rates and fertility rates;
- household characteristics, including past trends and future projections of households by size;
- economic characteristics such as employment, major employers, labour force, unemployment, commuting patterns, income levels, and housing market implications of the Regional Economic Strategy;
- social characteristics such as housing preferences related to household type and size;
- supply of existing housing units by type and tenure; also trends in rental vacancy rates, including housing for singles;
- cost of housing units, land, housing construction and carrying costs;
- residential building starts, completions and demolitions by unit type;
- residential lot supply within registered and draft plans of subdivision, by unit type, including location, timing and price of units;
- availability of undeveloped residential land, by designated land use and servicing, within short, medium and long range time frame;
- condition, quality and age of housing stock; trends in demolition, rehabilitation and conversion;
- assisted housing supply by unit type, assistance programs and groups involved in provision;
- survey of assisted housing needs for families, including administration of questionnaire and waiting list analysis;
- review of trends in housing market, such as downtown rental and condominium construction and townhouse designations; and,
- inventory the supply and demand for housing accessible to the handicapped.

Following the completion of the data collection steps in Phase II, the first 25% of the study grant will be available from the Ministry of Housing.

Phase III - Data Review and Analysis

This phase will involve the review and analysis of data collected in Phase II, including the following:

- review and summarize existing trends in housing supply and demand, and demographics;
- identify the relationships between housing demand and housing supply;
- analyze housing starts and completions;
- review and forecast housing supply based on relevant factors, such as inventories of existing and committed units and lots, land supply, availability and timing of services;
- review and forecast housing demand based on relevant factors, such as household projections, housing preferences such as locations and vacancy rates;
- review and analyze results of assisted housing questionnaire, including identification of demand for assisted units and areas of the City where greatest demand exists;
- review and analyze waiting lists for assisted housing and economic indicators of need;
- review provision of units by municipal and private non-profit housing groups;
- estimate existing and potential surplus or shortfall of assisted housing units; and,
- evaluate the capacity of existing social housing to meet potential demand.

Phase IV - Identification of Issues and Solutions

This phase will involve identification of current issues and their origins, and will also include the following:

- identify the major findings of the housing monitoring process;
- assess the underlying causes of housing problems;
- define the need for additional private and assisted housing;
- develop alternative solutions to problems, such as revision of housing policies, or development of new policies; reassessment of municipal role in housing provision;

- identify key factors which stimulate housing market and housing demand;
- identify local and regional housing objectives;
- identify preferences in housing type and density; and,
- liaise with appropriate agencies, authorities, and municipal departments.

Phase V - Development of Housing Policy and Targets

This phase will involve the review and modification as necessary of existing housing policies. An overall strategy will be developed to assist in the implementation of the City housing policies. The current short term annual housing targets will also be reviewed and modified as necessary, to enable future monitoring. Steps will include the following:

- select a preferred approach to address key housing issues, which will be compatible with short term housing objectives;
- ensure compatibility of local and regional housing policies;
- develop general and specific policies to provide the appropriate housing supply addressing issues such as infilling, redevelopment, etc.;
- review and review as necessary the existing short-term (five-year) annual housing production targets, by unit type, for both private and assisted housing;
- identify the roles of the housing industry and the City in meeting housing policies and targets;
- ensure compatibility of proposed housing policy with objectives of other housing agencies and authorities; and;
- prepare draft report;

Phase VI - Implementation Strategy

This phase will involve the development of a strategy to ensure the implementation of the recommended housing policies and targets, and will include the following steps:

- circulate draft report to appropriate agencies for comments;
- revise study report and recommendations as necessary;

- take actions required to implement the desired strategy;
- amend Official Plan policies as necessary to incorporate new housing policies;
- establish appropriate development control measures to regulate and control housing activity in the City;
- outline the steps necessary for formal adoption of study recommendations; and,
- develop a program for review and monitoring key indicators within the housing market.

Study Process

The following steps will be involved in the completion of the Municipal Housing Statement Update, in accordance with the requirements of the Ministry of Housing:

- Phase I - Study Design and Negotiation, including:
 - preparation of Terms of Reference;
 - authorization by City Council to undertake study;
 - completion of application for study grant;
 - City Council resolution requesting funding;
 - Regional Council endorsement of funding application;
 - submission of detailed terms of reference and council resolutions to Ministry of Housing;
 - Ministry of Housing review and approval of study design and request for funding;
 - meeting with Ministry officials to finalize study design;
 - initiation of Phase II - Data Collection;
 - payment of 25% of study grant, upon completion of data collection in Phase II;
 - completion of Phases III to V of Study, including data analysis, policy development and preparation of draft Municipal Housing Statement Update report;

- Ministry review of draft Update, and payment of an additional 50% of study grant;
- Phase VI - Implementation Strategy, including review and revision of draft report;
- City Council approval of Update;
- Regional Council endorsement of Update; and,
- Ministry of Housing approval of Update and payment of remaining 25% of study grant upon approval of Update by the Minister of Housing.

Study Timing

The study is anticipated to require approximately nine months for completion of the data collection and analysis, development of the revised housing strategy and policies, and review and revision of the draft report.

It is recommended that the data collection phase of the study begin in September of 1987, followed by the analysis phases. The first draft of the Update would be available by spring of 1988, and final approval of the report by the Ministry of Housing would be expected by September, 1988. Further details of the study timing are provided in the attached schedule.

Staffing

The study will be co-ordinated by staff of the Neighbourhood Planning Section of the Planning and Development Department.

The study staff will include the permanent staff of the Neighbourhood Planning Section, as well as other members of the Planning Department staff, and temporary staff. The existing staff include the Director of Local Planning, the Manager of the Neighbourhood Planning Section, Planners with experience in the housing research field, and Planning Technicians. Other staff will also be involved, such as the General Manager of the Municipal Non-Profit Housing Corporation, Planners from the Regional Strategic Planning Section, and other staff.

Considerable assistance will be provided by the General Manager of the Municipal Non-Profit Housing Corporation with the design and administration of the assisted housing survey, and with the provision of input on housing policy and strategy. The various private non-profit housing groups in the city as well as the Social Planning and Research Council, housing consultants and other housing interest groups will also be approached to provide input into the design and analysis of the assisted housing survey, the evaluation of waiting lists and related issues. Staff of the Ministry of Housing will also be consulted concerning the details of the study design, and they will review and approve the study report. Public meetings will be held to obtain input from the general public on the housing strategy recommendations.

Study Cost

The estimated cost of the Municipal Housing Update Study is \$44,305.70. The study will require a total of 220 person days of staff time. The details of the work schedule, staffing and associated costs are provided in the attached schedule.

Funding in the amount of up to \$25,000 is available from the Ministry of Housing to assist with the cost of the Update. A basic grant amount of \$20,000 is available for the completion of the study. An additional grant of up to \$5,000 is also available to cover hard costs associated with a mail out questionnaire for the Assisted Housing Survey, such as postage, photocopying and paper costs, but excluding staff costs. The City would be responsible for the remaining study cost of \$19,305.70. The City contribution would be derived from the Planning Department budget, through assignment of Planning staff and support services.

VG:nd
W.P. DOC. 0559P

MUNICIPAL HOUSING STATEMENT UPDATE

ESTIMATE OF STUDY TIME AND COST

<u>PHASE</u>	<u>TASKS</u>	<u>ESTIMATED TIME (Person Days)</u>	<u>ESTIMATED COST (\$)</u>
I	<ul style="list-style-type: none"> - Finalize study design - Receive approval for study 	N/A	
II	<ul style="list-style-type: none"> - Review background information - Research and data collection on housing supply, demand and related characteristics. - Conduct Assisted Housing Survey - Prepare data summaries 	M - 5 PII - 10 PIII - 30 S - 80	
TOTAL - PHASE II		125	\$12,461.30
III	<ul style="list-style-type: none"> - Review findings and trends - Summarize and analyze results - Forecast housing supply and demand - Evaluate effectiveness of assisted housing programs 	M - 5 PII - 10 PIII - 20 PT - 5	
TOTAL - PHASE III		40	\$ 6,061.00
IV	<ul style="list-style-type: none"> - Identify existing housing issues and problems - Develop alternative solutions 	PII - 5 PIII - 15 PT - 5	
TOTAL - PHASE IV		25	\$ 3,407.20
V	<ul style="list-style-type: none"> - Select preferred approach - Formulate policies, strategy - Establish housing targets - Define Municipal role - Prepare draft report 	M - 5 PII - 5 PIII - 15 PT - 5	
TOTAL - PHASE V		30	\$ 4,530.70
VI	<ul style="list-style-type: none"> - Circulate report for comments, revise as necessary - Presentation and approval - Submit for Ministry approval 	M - 5 PII - 10	
TOTAL - PHASE VI		15	\$ 2,845.50
SUB-TOTAL		220	\$29,305.70

	<u>ESTIMATED TIME</u> <u>(Person Days)</u>	<u>ESTIMATED</u> <u>COST (\$)</u>
<u>ADDITIONAL COSTS</u>		
Survey Costs - Printing, Postage		\$ 5,000.00
Secretarial and Administrative		2,000.00
Cartographic		1,000.00
Computer		2,000.00
Printing of Report		3,000.00
Contingency		2,000.00
<hr/>		
TOTAL ADDITIONAL COSTS		\$15,000.00
<hr/>		
TOTAL STUDY	220	\$44,305.70
<hr/>		

M - Manager
PII - Planner II
PIII - Planner III (temporary)
PT - Planning Technician
S - Student

FOR ACTIONFROM Planning and Development DepartmentDATE July 7, 1987TO Planning and Development CommitteeRefer To File No. P5-2-69Attention Of V. J. AbrahamSUBJECT

Acquisition - Residential Enclaves.

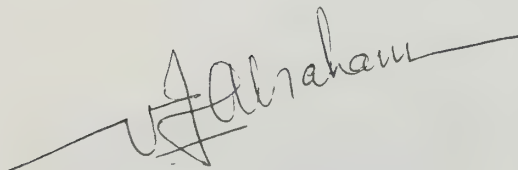
RECOMMENDATION

It is recommended:

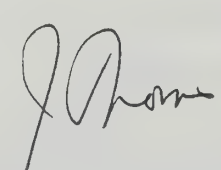
- 1) That the Planning and Development Committee recommend to the Executive Committee that the enclaves Clearance Programme in the Gross amount of \$3,000,000, less Region of Hamilton-Wentworth contribution of \$750,000 approximately, less sale of lands in the approximate gross amount of \$900,000, leaving a net cost in the approximate gross amount of \$1,350,000, as provided for in the 1987-1991 Capital Budget as Project Number 38101 be approved;
- 2) That the Treasurer be requested to recommend to the Executive Committee, the amount and source of funds to be provided for this Capital Project; and,
- 3) That the Real Estate Department be authorized to purchase property in the Alpha Enclave (West) - Plan I and that the following process for acquisition be followed:
 - i) that the Real Estate Department negotiate for a six-month period;
 - ii) that if properties are not acquired during this time, the expropriation procedures be commenced following a further report to Council; and,
 - iii) that the Real Estate Department refer any persons affected by acquisition, who might benefit from social services programmes, to the Regional Social Services Department.

EXPLANATORY NOTE

Three million dollars is included in the City's budget for expenditure on acquisition of properties in the Alpha, Biggar, Leeds and Stapleton enclaves. A survey was done to see which owners wish to sell. This information combined with other factors has been used to determine that 1.5 million dollars should be used to acquire Alpha Enclave (West) during 1987 and 1988.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thomas, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

On September 30, 1986, Council authorized a study of the Alpha, Biggar, Leeds and Stapleton enclaves to help determine the next area of acquisition to continue the City's program to create industrial land and clear substandard housing.

Three million dollars has been included in the City's five-year Capital Budget approved in January 1987 to acquire properties in these enclaves. \$750,000 has been included for each of the years 1987, 1988, 1989 and 1990. The total \$3 m is to be made up of \$1,350,000 City funds, \$750,000 Regional funds and \$900,000 from sales of industrial lands.

The Region has agreed to transfer their contribution to the City when it is needed.

SURVEY AND COSTS

The following table shows the results of the owner survey together with estimates for acquisition and demolition costs.

	<u>Properties</u>	<u>For Selling</u>	<u>Against Selling</u>	<u>No Response</u>	<u>Estimated Acquisition \$ M</u>
Alpha West (Plan 1)	39	11	4	24	1.56
Alpha East (Plan 2)	16	1	5	10	.64
Biggar (Plan 3)	18	6	3	9	.72
Leeds (Plan 4)	24	5	10	9	.96
Stapleton (Plan 5)	10	3	0	7	.40
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	107	26	22	59	4.28

The response rate of the survey (45%) was lower than the 55% response rate of the 1984 survey, although the attitude patterns remain similar. The strongest desire to sell comes from the areas in Alpha West and Stapleton enclaves. It may be observed here that Philip Enterprises Inc., a firm presently operating in the Alpha Enclave, has expressed an interest in the acquisition of additional land adjacent to their property.

The average cost of acquisition of each property is estimated to have risen from about \$30,000 to about \$40,000 (plus clearance and demolition) and gross cost of the program from about \$3 m to about \$4.25 m. However, the \$4.25 m would be reduced if only residential rather than residential/commercial properties were purchased. In addition, revenue can be expected from the sale of these lands.

ANALYSIS

The Alpha Enclave (West) has features which suggest it should be first priority for acquisition:

- i) The area has been host to two successful acquisition programs and Alpha Enclave (West) can be viewed as a logical extension of the ongoing program; and,
- ii) A high proportion of owners have indicated a willingness to sell.

The cost of acquisition in the Alpha Enclave (West) is estimated to be about \$1.5 m for both residential and commercial properties. The City has budgeted \$675,000 for 1987 and 1988 and the Region is committed to transferring \$750,000 to the City. A total of \$1.425 m is therefore available for 1987 and 1988. The shortfall of \$75,000 could be made up from sales of industrial lands or completion of some transactions could be delayed until 1989.

Relocation will mean adjustments for residents. While local relocation surveys have shown that, in the main, residents have had an overall favourable effect on their lives, there are likely to be people in greater need of help. For this reason, it is important for needs to be identified and referred to the appropriate agency. As with the previous acquisition in the Alpha area, it is suggested that the Real Estate Department make initial contacts when negotiating to purchase and that the Social Services Department be involved when agreement is reached to assist those people in need of assistance.

CONCLUSION

The City should commence purchase on the Alpha Enclave (West) area for its next phase of residential enclave acquisition on the same basis as the previously successful acquisition programmes.

DG:lm/cs

W.P. Doc. 0056P

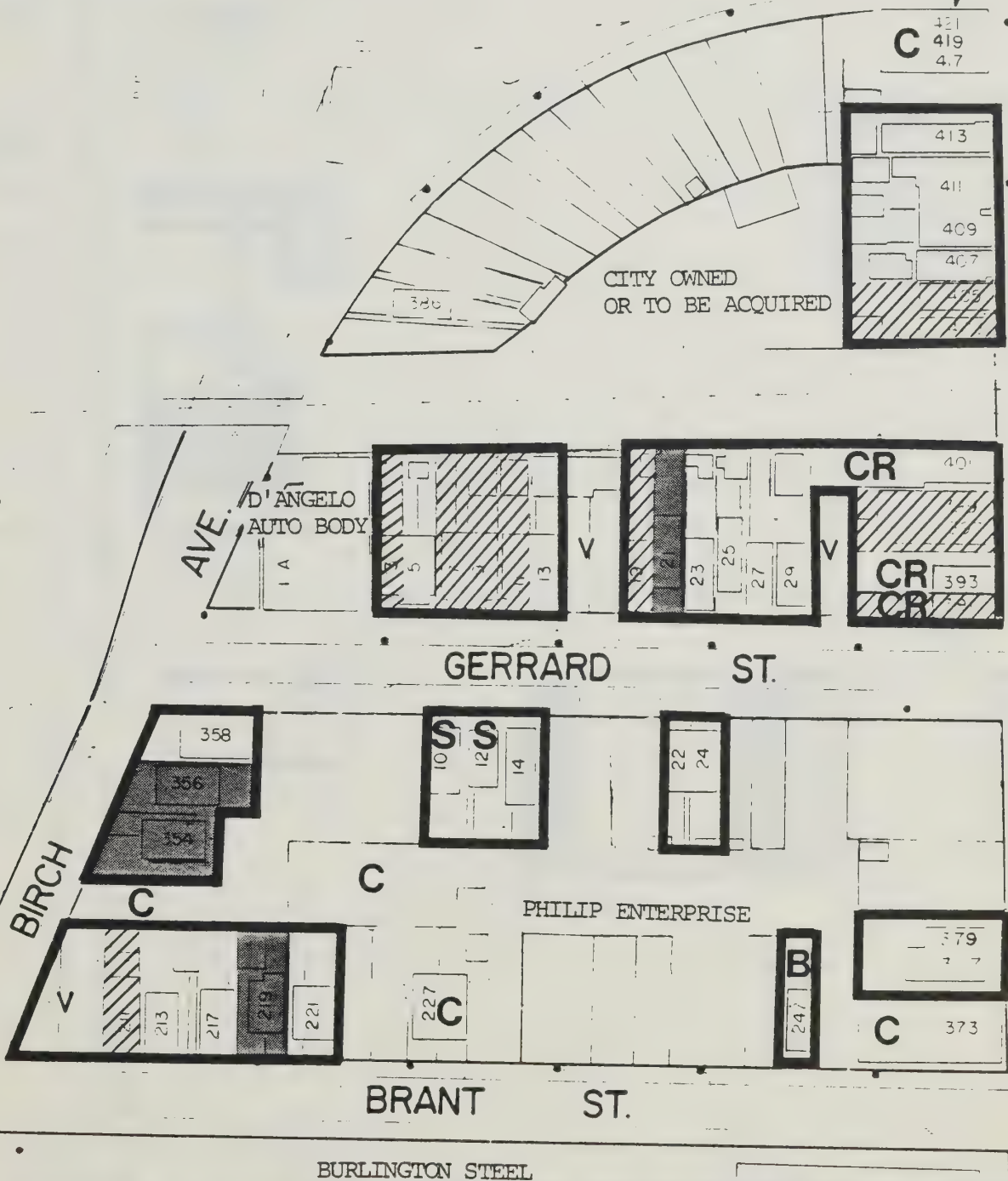
SUMMARY	
FOR SELLING	11
AGAINST SELLING	4
NO RESPONSE	24
RESIDENTIAL PROPERTIES	39

BURLINGTON ST. EAST

PLAN 1

DEBONAIR TAVERN
FORMERLY SHERMAN TAVERN

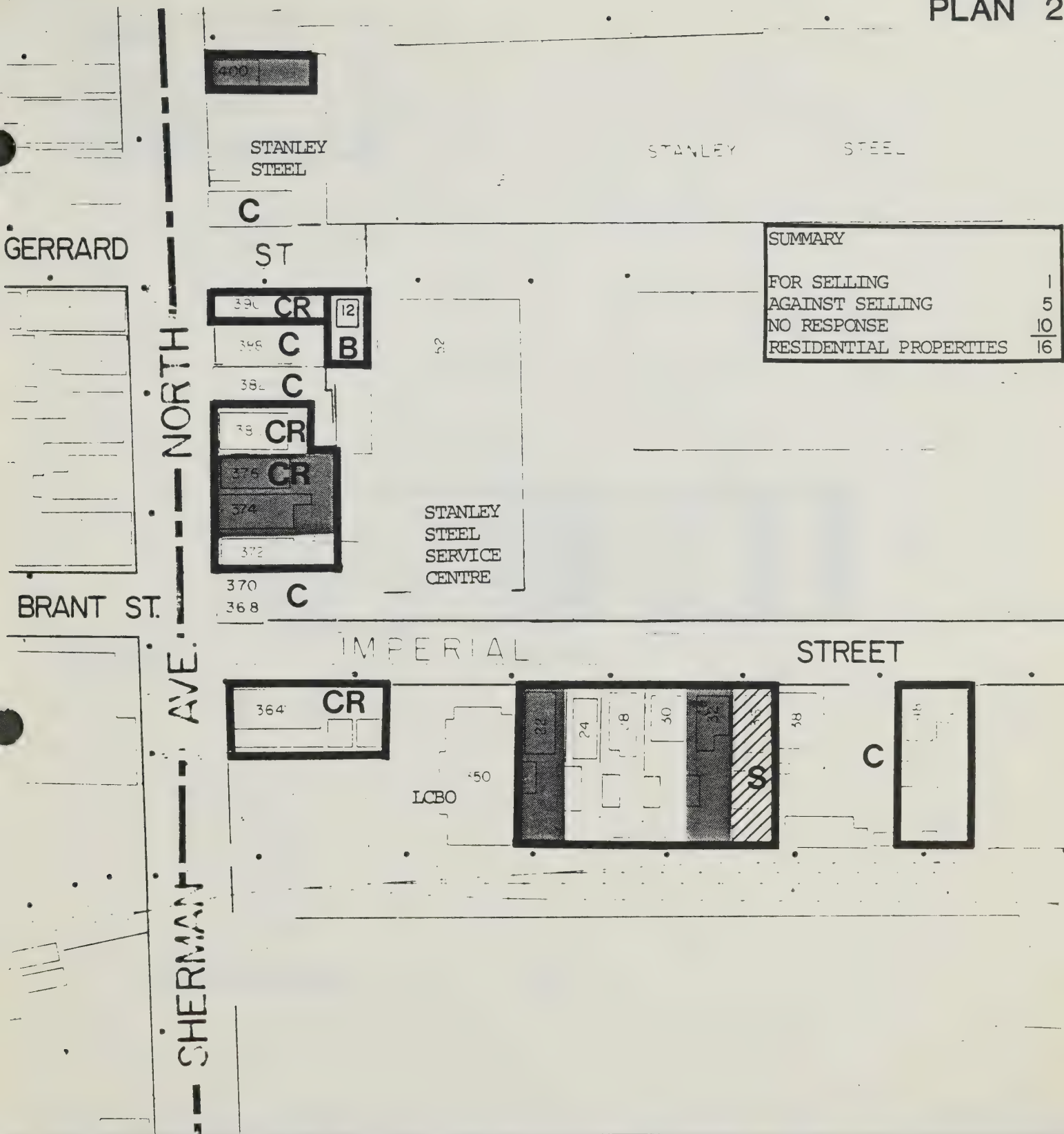
NORTH
SHERMAN AVENUE



Alpha Enclave (West)

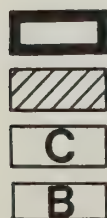
Legend

- Properties Surveyed
- Willing to Sell
- Commercial
- Vacant
- For sale
- Commercial Residential
- Boarded up
- For sale
- Commercial
- Vacant
- Boarded up
- For sale
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Alpha Enclave (East)

Legend



Properties Surveyed

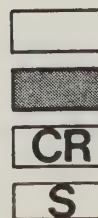
Willing to Sell

Commercial

Boarded up



NORTH



No Response

Not Willing to Sell

Commercial Residential

For sale

SUMMARY

FOR SELLING	6
AGAINST SELLING	3
NO RESPONSE	9
RESIDENTIAL PROPERTIES	18

282

C

BIGGAR

AVENUE

C

LANDSDOWNE

AVE.

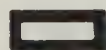
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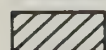
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Biggar Enclave

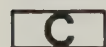
Legend



Properties Surveyed



Willing to Sell



Commercial



No Response



Not Willing to Sell



Commercial Residential

INDUSTRIAL

DRIVE

SUMMARY

FOR SELLING	5
AGAINST SELLING	10
NO RESPONSE	9
RESIDENTIAL PROPERTIES	24

LANCASTER ST.

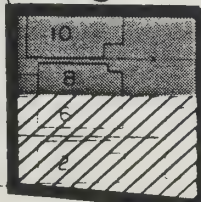
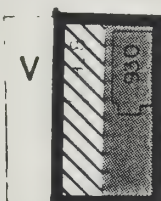
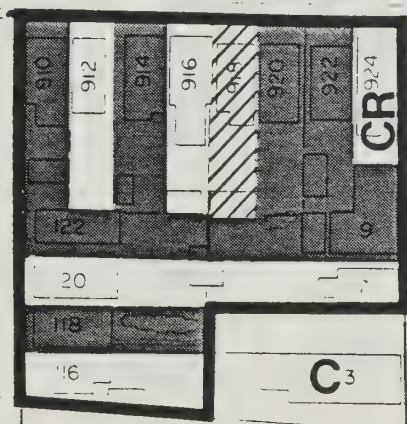
943
947

BURLINGTON STREET EAST

ST.

BIRMINGHAM

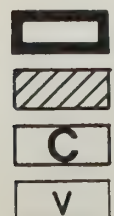
LEEDS ST.



HH ROBERTSON

Leeds Enclave

Legend



Properties Surveyed

Willing to Sell

Commercial

Vacant



No Response

Not Willing to Sell

Commercial Residential

BURLINGTON

STREET

EAST

DOFASCO PARK

AVE.

STAPLETON

NORTH

AVE.

KENILWORTH

ROAD

AVE.

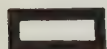
ROOSEVELT

SUMMARY

FOR SELLING	3
AGAINST SELLING	0
NO RESPONSE	7
RESIDENTIAL PROPERTIES	10

Stapleton Enclave

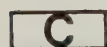
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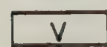
Properties Surveyed



Willing to Sell



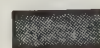
Commercial



Vacant



No Response



Not Willing to Sell



Commercial Residential

30.

FOR ACTION

FROM Planning and Development Department

DATE July 3, 1987

TO Planning and Development Committee

Refer To File No. P6-3-2

Attention Of V. J. Abraham

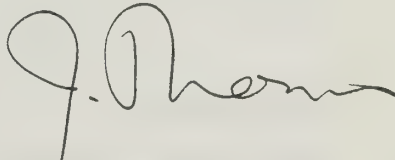
SUBJECT

Zoning Application - Township of Glanbrook.

RECOMMENDATION

That the Planning and Development Committee recommend to Council that the City Clerk inform the Township of Glanbrook that the City of Hamilton does not object to the proposed zoning by-law amendment on the west side of Highway No. 6, 230 metres south of the boundary between Hamilton and Glanbrook

V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

The proposed amendment to the Township of Glanbrook Zoning By-law would permit an automobile garage and additional highway uses on lands located on the west side of Highway No 6, approximately 230 metres south of the City of Hamilton and Township of Glanbrook boundary. The subject lands are approximately one half of one acre in size and the proposed building is approximately 4,750 square feet in size.

BACKGROUND

The Township of Glanbrook has requested the City of Hamilton to comment on a proposed zoning application in Glanbrook. The proposal is to permit an automotive garage (including engine repairs, body repairs and painting) and additional highway commercial uses on the subject 0.2 hectare (0.5 acre) site within a 440 m² (4,750 sq. ft.) building. The subject lands are located on the west side of Highway No. 6 approximately 230 metres south of the boundary between the City of Hamilton and the Township of Glanbrook.

ANALYSIS

The proposed auto repair facility will be located approximately 230 metres (755 ft.) from the City of Hamilton. At this location, an 84 metre (275 ft.) wide hydro transmission corridor forms the Hamilton/Glanbrook boundary line.

It is felt that the proposal should not unduly affect the City of Hamilton due to the distance between the proposal and the municipal boundary and the small scale of the proposed use.

CONCLUSION

The proposed garage in the Township of Glanbrook should not unduly affect the City of Hamilton.

DO:cs
WPD0C 0592P



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
1000 West Beaver Creek Road, West, Hamilton, Ontario L8N 3T4

31.

July 10, 1987

P5-2-60

Susan Reeder
Acting Secretary
Planning & Development Committee

Dear Ms. Reeder:

Re: Hamilton Beach Study

Please, could you inform your committee, that a public meeting will be held as follows:

DATE: July 27, 1987

TIME: 7:00 p.m. - OPEN HOUSE
7:30 p.m. - PUBLIC MEETING

PLACE: CANADIAN CENTRE FOR INLAND WATERWAYS

Rick Moore of Moore George Associates, the study consultants, will present the proposed concept plan.

A presentation will be made to the Planning and Development Committee once the Steering Committee have firmed up their positions.

Yours truly,

David Godley, Manager
Neighbourhoods Section

DG:lm

CA4 ONHBL AOS
C51 P4



Urban Municipal Librarian
Central Library

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

L8N 3T4

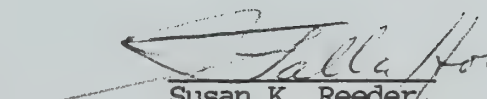
THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1987 August 6

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1987 August 12
2:00 o'clock p.m.
Room 233, City Hall


Susan K. Reeder
Acting Secretary

AGENDA

1. Minutes of the meeting held Wednesday, 1987 July 15. (copy to follow)
 - A. Rental Housing Protection Act 1986 - Severance of Property at No. 6 and 7 Robert Street, Constantino Tyrosvoutis, Applicant. (copy to follow)
2. Mayor Robert M. Morrow
 - (a) Flags on Provincial Government Buildings along King Street - (no copy).
3. Building Department
 - (a) Demolition Permit Applications.
 - (i) 527 Upper Wellington
 - (ii) 202 Glow Avenue
 - (iii) 20 Brucedale East
 - (iv) 32 Brucedale East
 - (v) 34 Brucedale East
 - (vi) 38 Brucedale East
 - (vii) 965 Stonechurch Road East
 - (viii) 134 Bay Street North
 - (b) Building Department Staffing and Responsibility.

4. Director of Community Development

- (a) Downtown Hamilton Action Plan, Canadian Imperial Bank of Commerce; Streetscape Improvements.
- (b) Ottawa Street Business Improvement Area - Jockey Club Tavern.
- (c) Crownpoint West/Stipeley Pride Application for 1987-88 Programme Year. (For Information)

5. Item Referred by Council

- (a) Letter from Attorney General re: Business Improvement Areas.

6. L.A.C.A.C.

- (a) West Avenue School
- (b) Ontario Heritage Policy Review

7. Director of Property

- (a) Sale - Lot 17, Plan M-227 - Hamilton Industrial Park No. 1 Nebo Road - 723485 Ontario Limited.
- (b) Extension of Closing Date - City Sale to Ironwood Design and Construction Ltd. - Parts 9 & 10, Plan 62R-6932- 35 Keefer Court.

8. Commissioner of Engineering

- (a) NASH ORCHARD HEIGHTS WEST, Hamilton (5% Parkland Dedication)
- (b) Connection of Roof Leaders to Storm Sewers.

9. City Solicitor

- (a) Hiring an Outside Planning Consultant

10. City Treasurer

- (a) Release of Holdback

Public Meeting
3:00 o'clock p.m.

11. Zoning Application ZA-87-58, Tommar Construction Ltd., owner and prospective owner, for a change in zoning from "G" modified to "HH", for properties at Nos. 2774 and 2794 King Street East; Gershome Neighbourhood.
Public Meeting - 3:00 p.m.

12. Zoning Application ZA-87-59, M. Scriven, owner, for a change in zoning from "AA" to "C" for the rear part of No. 1232 Upper Gage Avenue; Randall Neighbourhood.
Public Meeting - 3:00 p.m.
13. Zoning Application ZA-87-60, BYM Construction Limited and Bergamot Development Limited, owners, for a change in zoning from "DE" and "G-3" to "G", for lands municipally known as No. 985 Upper Ottawa Street and No. 5 Carson Drive; Lisgar Neighbourhood.
Public Meeting - 3:00 p.m.
14. Zoning Application ZA-87-54, K. Cody, owner, for a modification to the "D" District regulations for property at No. 308 East Avenue North; Lansdale Neighbourhood.
Public Meeting - 3:15 p.m.
15. Zoning Application ZAS-87-57, J. Miles, owner, for a modification to the "M-12" District regulations for properties at Nos. 1148 and 1160 Rymal Road East; Hannon West Neighbourhood.
Public Meeting - 3:15 p.m.
16. Zoning Application ZA-87-61, Ritlyn Investments Ltd., owner, for a further modification to the "D" District regulations for property at No. 234 Queen Street South; Kirkendall North Neighbourhood.
Public Meeting - 3:15 p.m.
17. Zoning Application ZA-87-66, Polonia Club, owner, for a modification to the "C" District regulations for properties at Nos. 2, 4A, 4B and 4 1/2 Salidarnosc Place; Stipeley Neighbourhood.
Public Meeting - 3:30 p.m.
18. Zoning Application ZA-87-77, Hourigan Management Inc., prospective owner, for a further modification to the "E-3" District regulations for a change in zoning from "HI" to "E-34", modified, for property at No. 190 Main Street West; Central Neighbourhood.
Public Meeting 3:30 p.m.
19. Zoning Application ZA-87-53, Goodbram Investments Limited, owner, for a change in zoning from "AA" and "C" to "HH" for property at No. 1150 Upper James Street; Kerningham Neighbourhood.
20. Site Plan Control Application DA-87-42 by Ed Robinson Properties Ltd., owner of lands located at 200 Limeridge Road West; Rolston Neighbourhood.

21. Site Plan Control Application Approval (For Information).
22. Application for approval of Draft Plan of Subdivision "Kennedy Court", T. J. Cooper and M. J. Cooper, owners, of property located in the area south of Rymal Road West, SA-87-13.
23. Ministerial Modifications to the Hamilton-Wentworth Official Plan (P-7-3).
24. Proposed policies for King Street East between Nash Road and Highway No. 20; Greenford and Gershome Neighbourhoods (P5-2-47).
25. High Density Residential Development Study Phase 2 (P5-4-7-15).
26. Request of the Planning and Development Committee to solicit comments from owners of properties located on Burlington Street and Industrial Drive to proposed street name change (File 415).
27. Request for walkway closure between Cranbrook and Greyfriar; Gilkson Neighbourhood (P5-2-50).

5:00 o'clock p.m.

28. Item Referred by Council

- (a) Finished Grading in New Subdivisions.

CA40NTHBL AOS
CSIP4 Aug 12 Agenda

FOR ACTION

A

FROM Planning and Development Department

DATE August 6, 1987

TO Planning and Development Committee

Refer To File No. P5-4-2-15

Attention Of V. J. Abraham

SUBJECT

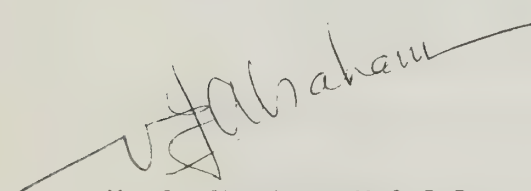
Rental Housing Protection Act - Severance Application SE-87-001, 126 and 128 Robert Street.

RECOMMENDATIONS

That the application for the severance of 126 and 128 Robert Street under the Rental Housing Protection Act be denied.

EXPLANATORY NOTE

The subject property involves two semi-detached units on Robert Street, and six units of row housing on Mary Street, all of which are affordable rental units on one property. The applicant wishes to sever each of the units at 126 and 128 Robert Street, to make each a separate property. The two units to be severed on Robert Street would no longer be subject to the provisions of the Rental Housing Protection Act, which only deals with properties containing more than four rental units. For this reason, the application cannot be supported.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

An application for Consent to Sever under the Rental Housing Protection Act was submitted to the Clerks Department on May 6, 1987, a copy of which is attached as Appendix "1". The application dealt with two severances, one for each of 126 and 128 Robert Street, for which application was made to the Regional Land Division Committee on February 24, 1987. The LDC decision of March 24, 1987 recommended conditional consent, based on meeting the requirements of the City of Hamilton, with regard to variances, encroachments and other obligations.

The Planning Department, following consultation with the applicant, provided comments on the severance application under the Rental Housing Protection Act on June 19, 1987, a copy of which is attached as Appendix "2".

The Ministry of Housing also provided comments on the application, a copy of which is attached as Appendix "3".

A public meeting was scheduled to deal with the application, since it was deemed to be subject to the requirements of the Rental Housing Protection Act.

NATURE OF THE APPLICATION

There are two severances proposed, as shown on the map in Appendix "4", which would divide the property as follows:

- Lands to be severed - 126 and 128 Robert Street
 - two semi-detached units
 - each unit is one storey, two bedroom
 - presently used for two rental units, renting for \$285 per month
 - each would become a separate parcel
- Lands to be retained - 200, 202 and 204 Mary Street
 - six attached units in two storey row housing structure
 - three 1 bedroom, three 2 bedroom units
 - each unit is presently rented for \$285 per month
 - would remain as row housing triplex.

The applicant has also noted that:

- the two new units on Robert Street would be available for sale at an estimated price of \$20,000 each
- these new units on Robert Street would remain rental and the existing tenants, who do not wish to purchase the units, would be able to remain.
- renovations to the property are expected to be done following the severance, during which time the tenants may have to vacate the premises temporarily.

The application would be subject to the Rental Housing Protection Act, since it involves the severance of rental residential property. The property has more than four rental units, namely eight, so it is not exempt from the Act. There is no indication that the properties are unsafe or unfit for human habitation.

REQUIREMENTS OF THE RENTAL HOUSING PROTECTION ACT

The provincial legislation which came into effect on July 10, 1986, entitled the Rental Housing Protection Act, is intended to help preserve the existing stock of rental units. Actions such as renovation and repair, demolition, and severance of properties with more than four rental residential units, require a public meeting and the approval of municipal council based on consideration of criteria in the Act.

There are several mandatory criteria to be used for assessing applications made under the Act, as defined in Section 8 of the accompanying Regulations. Council must be satisfied that at least one of the following criteria is met before approving an application:

1. Physical condition of rental buildings

In the case of demolition, or renovation and repair applications, Council can indicate approval if the property is unsafe and unfit for human habitation. This criteria would not apply to the subject severance application.

2. Applicant's efforts to minimize impacts of proposal

Under this criterion the applicant must agree to provide two things:

- a) alternate accommodation for existing tenants, in the same area, of similar quality and rent, and
- b) replacement rental housing in lieu of the units lost to the rental market in the same area, of similar rent and of the same number of units.

3. Impact on the overall rental housing supply

Council may determine that approval of the proposal would not adversely affect the supply of affordable rental housing. The Act does not define affordability in specific terms, but does provide several possible approaches such as:

- affordability in terms of a reasonable portion of total income being spent on rent (e.g. 25%).
- affordable rents being defined as those which are below the average rents for the City or neighbourhood; or
- affordability being that which permits normal vacancy rates to be achieved.

It should be noted that a recent OMB decision concerning property in the City of York established \$979 per month as an appropriate upper limit for affordable rental accommodation. This figure was calculated based on the rent which would be affordable for two-thirds of the Metro residents, spending not more than 25% of their income on rent. This amount far exceeds the average monthly rent for York of \$465.

The extent to which the subject application meets these criteria is described in the following section.

ANALYSIS

The application is contrary to the intent of the Rental Housing Protection Act mainly because of the actual and potential adverse impacts on the affordable rental housing stock.

The application may be analyzed in terms of the three aforementioned criteria under the Rental Housing Protection Act, as follows:

1. Physical condition of building:

Not applicable for severances.

2. Applicant's efforts to minimize impacts of proposal:

- a) Provision of equivalent alternative accommodation for existing tenants; and
- b) Replacement rental housing of equivalent nature.

The applicant has stated that the existing tenants would be permitted to remain. However, in order to protect the interests of the tenants, there should be conditions imposed to ensure that the units remain available to tenants for a reasonable length of time, and that the rents remain affordable. If the units are still available as affordable units, it would appear that there would be no need to provide alternate and replacement accommodation as a result of the subject severance.

If there are renovations planned which would require that the tenants vacate the premises temporarily the requirements of the Act must be met, namely that tenants must be provided with replacement accommodations during major renovations.

3. Impact on the overall rental housing supply:

The units on Robert Street are clearly in the affordable range, since the existing rents are \$285 per month. This compares with an average of \$397 for the City of Hamilton, and \$379 for the Central Area, for two bedroom units.

Approval of the application would remove the two units on Robert Street from the controls of the Rental Housing Protection Act. This would occur since the legislation only applies to properties with more than four rental units.

If the application is approved, there should be conditions imposed to ensure that the rental units remain available for affordable rental housing. Such conditions could be imposed by means of a legal agreement with the City Solicitors Department.

CONCLUSIONS

It is recommended that the application be denied, for the following reasons:

- The application would result in the removal of two affordable rental units from the controls of the Rental Housing Protection Act.
- Unconditional approval of the application would provide no means of ensuring that the units remain available for affordable rental housing.

The Act provides for Council approval of applications if one or more of the relevant criteria are met. Therefore, if the application is approved, it is recommended that the following conditions be applied:

1. That the City Solicitor's Department be directed to enter into an agreement with the applicant, to ensure that the two existing rental units at 126 and 128 Robert Street continue to be available as affordable rental units. The rents should not exceed the average rents for the area, as measured by C.M.H.C. This agreement should be registered on title of the lands.
2. That the existing tenants at 126 and 128 Robert Street be permitted to remain, and that alternative accommodation be provided for these tenants during any major renovations.
3. That the City Clerks Department defer issuing the certificate of municipal approval under the Rental Housing Protection Act until such time as the above conditions have been fulfilled by the applicant.

V.G.:nd

W.P. DOC. 0613P



E. A. SIMPSON
CITY CLERK
K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

May 15, 1987

Ms. S. Taylor, Coordinator
Rental Housing Protection Programme
Ministry of Housing
777 Bay Street, 4th Floor
Toronto, Ontario
M5G 2E5

Dear Ms. Taylor:

Pursuant to Section 19 of the Regulations 434/86 made under The Rental Housing Protection Act, 1986. I am enclosing for your file a completed application form for Consent to Sever.

The Director of Local Planning has been requested to prepare a report for consideration and recommendation of the Planning and Development Committee and subsequently City Council.

Yours very truly,

E.A. Simpson
City Clerk

EAS:mc

Attach.

CONSENT TO SEVER

Application Under Subsection 4(1) of The
Rental Housing Protection Act, 1986

Local Municipality

CITY OF HAMILTON

Municipal File No.

SE 87-001

A APPLICANT INFORMATION

Registered Owner of Property	Owner's Solicitor/Agent/Consultant (specify)
Constantino Tyrosvoutis	ALEXANDER MOURIOPOULOS Barrister & Solicitor
Address and Telephone No.	Address and Telephone No.
208 Mary Street Hamilton, Ontario 522-6568	19 John Street North 2nd floor Hamilton, Ontario 528-0306

Ontario Land Surveyor
A. T. McLaren, O.L.S.
Address and Telephone No.
103 John Street South Hamilton, Ontario 527-0032

B PROPERTY LOCATION (Attach Copy of Sketch Plan Illustrating
Proposed Severance.)

Address	
126 & 128 Robert Street	
Municipality	
Hamilton	
Lot No.	Concession Number
6 & 7	
Registered Plan No.	Lot Number(s)
287	
Date of Registration	File No. of Approval Authority (if available)
Reference Plan No.	Part Number(s)
62R-8607	

(4) Describe Existing and Proposed Buildings and Structures on Retained Property

Building No./Name	Existing or Proposed Building*	Use (Residential Commercial, etc.)	No. of Storeys	No. and Type of Units**
200-204 Mary St.	construction completed	Residential	2	Row Housing

* If an existing building, state date that construction was completed.

** Please use the following definitions for residential buildings:

Single Family Residential - a single family detached dwelling unit

Double or Semi-detached - a residential building containing two dwelling units

Row/Town Housing - a residential building containing three or more units with individual direct street access

Apartment - a building containing three or more dwelling units each with street access via a common corridor

(5) Occupancy of Existing Building(s) on Retained Property:

No. of Units	Three
No of Occupied Residential Rental Units	Three
No of Vacant Residential Rental Units	N/A
Vacancy Date(s) of Units	N/A

F PROPERTY TO BE SEVERED

(1) Frontage 40.42' Depth 57' Area \pm 2308.5

(2) Number of New Lots Proposed -2-

(3) Existing Density (Units per Hectare) _____
Proposed Density (Units per Hectare) _____

(4) Existing Services on Property to be Severed:

(a) Water Supply

Piped Water ☒ xx

Individual Wells ☐

Other (Describe) ☐

(b) Sewage Treatment

Sewers xx

Septic Tanks and Tile Beds

Presewer ☐Other (describe) ☐

(c) Storm Drainage

Sewers ☒

Open Ditches ☐

Other (Describe) ☐

(d) Describe other servicing problems and proposed solutions:

(e) Describe proposed services, if different from above.

(5) Describe Existing and Proposed Buildings and Structures on Property to be Severed:

Building No./ Name	Existing or Proposed Building*	Use	No. of Storeys	No., Type, and Gross Floor Area of Each Unit **
126 Robert Street	completed 1920	Residential	-1-	+461.66' semi-detached
128 Robert Street	completed 1920	Residential	-1-	+459.67' semi-detached
***Date of completion is not available.				

* If an existing building, indicate the date that construction was completed.

**** Please use the definitions for residential buildings listed on**

(9) Describe (or indicate on plan):

(a) Proposed Internal Roadways _____

(b) Proposed Parking _____

(c) Proposed Landscaping _____

(d) Proposed Recreational Amenities _____

(10) Describe Government Sponsored Financing for Property:

Proposed Financing _____

Approved Financing _____

(11) Property Access

(1) Is there direct access from the property to be severed to a publicly maintained road? ^{xxx} Yes _____ No _____

If no, describe other access to property. _____

(2) If a lakefront development is proposed, without road access, describe:

	Existing	Proposed
Docking Facilities	_____ _____ _____	_____ _____ _____
Parking Facilities	_____ _____ _____	_____ _____ _____
Distance from Property	_____	_____
Distance to Nearest Provincial Highway	_____	_____

H PLANNING INFORMATION FOR SITE

- (1) What is the land use designation of the subject property in an approved regional or county official plan or amendment? _____
Residential

Amendment Number: _____

- (2) What is the land use designation of the subject property in an approved local official plan or amendment? _____
Residential

Amendment Number: _____

- (3) What is the zoning of the subject property in an approved zoning by-law or zoning order? _____
"D" district

- (4) Has a site plan been submitted to the municipality for review?
N/A

- (5) Has a building permit been issued?
N/A

I PREVIOUS SEVERANCES

- (1) Is application a resubmission of an earlier proposed severance?

Yes xxxx No _____

Indicate previous file number ~~XXXXXX~~ H-44-87 & H-45-87

- (2) Has the owner previously severed any land from this property or in the vicinity of this property?

Yes _____ No xx

- (3) If yes, please indicate previous severances on the sketch plan and supply the following information for each parcel severed:

Grantee's Name N/A

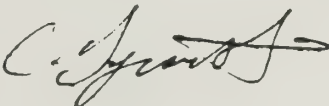
Relationship to Owner _____

Use of Parcel _____

Date Parcel Created _____

K AFFIDAVIT

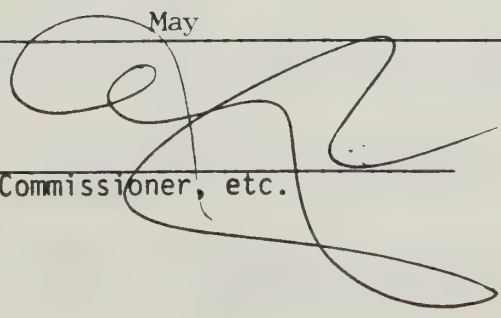
I, Constantino Tyrosvoutis, the registered owner of the subject rental residential property, solemnly declare that all the statements contained in this application are true, and I make this solemn declaration knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

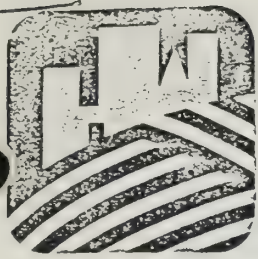
Name of Owner or Authorized Official	Position/Title	Signature	Date
Constantino Tyrosvoutis	Owner		May 6, 1987

Corporate Seal	Date
N/A	

Declared before me at the
_____ City _____ of _____ Hamilton _____
in the _____ Regional Municipality _____
of _____ Hamilton-Wentworth _____
this _____ 6th _____ day of
_____ May _____ 19 87

A Commissioner, etc.





Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

June 19, 1987

Refer to File No. P5-4-2-15
Attention of P5-2-10
Your File No.

Mr. E. A. Simpson
City Clerk

Attention: Mr. J. D. Thompson

Dear Sir:

Consent to Sever - Application SE-87-001

The application is for a severance of a property located as follows:

- Lands to be severed:
 - two semi-detached homes located at 126 and 128 Robert Street, each one storey, two bedroom;
 - presently used for two rental units, \$285/month rent.
- Lands to be retained:
 - three dwelling units - multi-family dwelling at 200, 202 and 204 Mary Street.

There are two severances proposed, one to separate each of the semi-detached units on Robert Street into separate properties to create a total of three parcels. The new units would be available for sale at an estimated price of \$20,000 each. The application notes that the existing tenants do not wish to purchase either of the semi-detached units.

The property is subject to the regulations of the Rental Housing Protection Act because it meets the following criteria:

- it consists of a related group of buildings on one property containing a total of five rental units;
- the two rental units to be severed are affordable, since the rents are only \$285 per month. This compares with \$397 for the City as a whole, and \$379 for the Central Area.

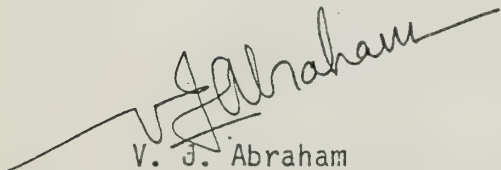
If the severance is approved, all five of the housing units would become exempt from the provisions of the Rental Housing Protection Act, since properties with four or less rental units are exempt.

The applicant has stated that the two units will remain rental following the proposed severances, and that the existing tenants will be able to remain. However, he also notes that the tenants may have to vacate the premises temporarily during renovations which are expected to be done following the severance. Therefore, the provisions of the Rental Housing Protection Act for rental renovation should also be considered, namely that tenants have a right to replacement accommodation during renovations.

We would not recommend approval of the applications, since the present rental units could easily be converted to ownership units, notwithstanding the stated intentions of the owner resulting in a loss of two affordable rental units. This would create an adverse impact on the supply of affordable rental housing, and therefore, the application cannot be supported. However, should the application be approved, we would recommend that the following conditions be met in accordance with the Rental Housing Protection Act:

- that all of the five affected units remain part of the affordable rental stock, including the two units to be severed at 126 and 128 Robert Street, and the three retained units at 200-204 Mary Street.
- that the existing tenants be permitted to remain or be provided replacement accommodation and that alternative accommodations be provided for these tenants during any major renovations.

Yours truly,



V. J. Abraham
Director of Local Planning

cc: Mr. Ian Cooper, Ministry of Housing

VG:cs
WPD0C 0229P(21)



Ministry of Housing
Ministère du Logement

777 Bay Street
4th Floor
TORONTO, Ontario
M5G 2E5

International Year of
Shelter for the Homeless



1987
Année internationale du
logement des sans-abri

APPENDIX "3"

(416) 585-6802

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH

File No.		JUN 18 1987	
TO	FROM	INFO	ACT
	DID		
	DEA		
	DEV		
	STAFF		
	CART		
	ADMIN		

June 9, 1987

Mr. E. A. Simpson
City Clerk
City of Hamilton
City Hall
HAMILTON, Ontario
L8N 3T4

Dear Mr. Simpson:

RE: Severance Application under Rental Housing
Protection Act
File SE 87-001 - 126, 128 Robert Street

This will acknowledge receipt of the above application.

It is my understanding that an earlier application to sever the two unit building from the three unit building was approved but has since lapsed. The application to sever the existing property in lots with 3 units, one unit and one unit would remove all of these housing units from the controls of the Rental Housing Protection Act.

We are concerned that this type of application does not become a means of removing properties from the protection of the Act and deplete the supply of affordable rental housing in the current tight market.

We suggest that, should Council see fit to approve this application, it impose conditions on the retained portion containing 3 units (200-204 Mary Street) to ensure that it remain part of the rental stock.

Sincerely,

Ian Cooper
Planner
Rental Housing Protection Program

JUN 30 1987

THE REGIONAL MUNICIPALITY OF HAMILTON—WENTWORTH LAND DIVISION COMMITTEE

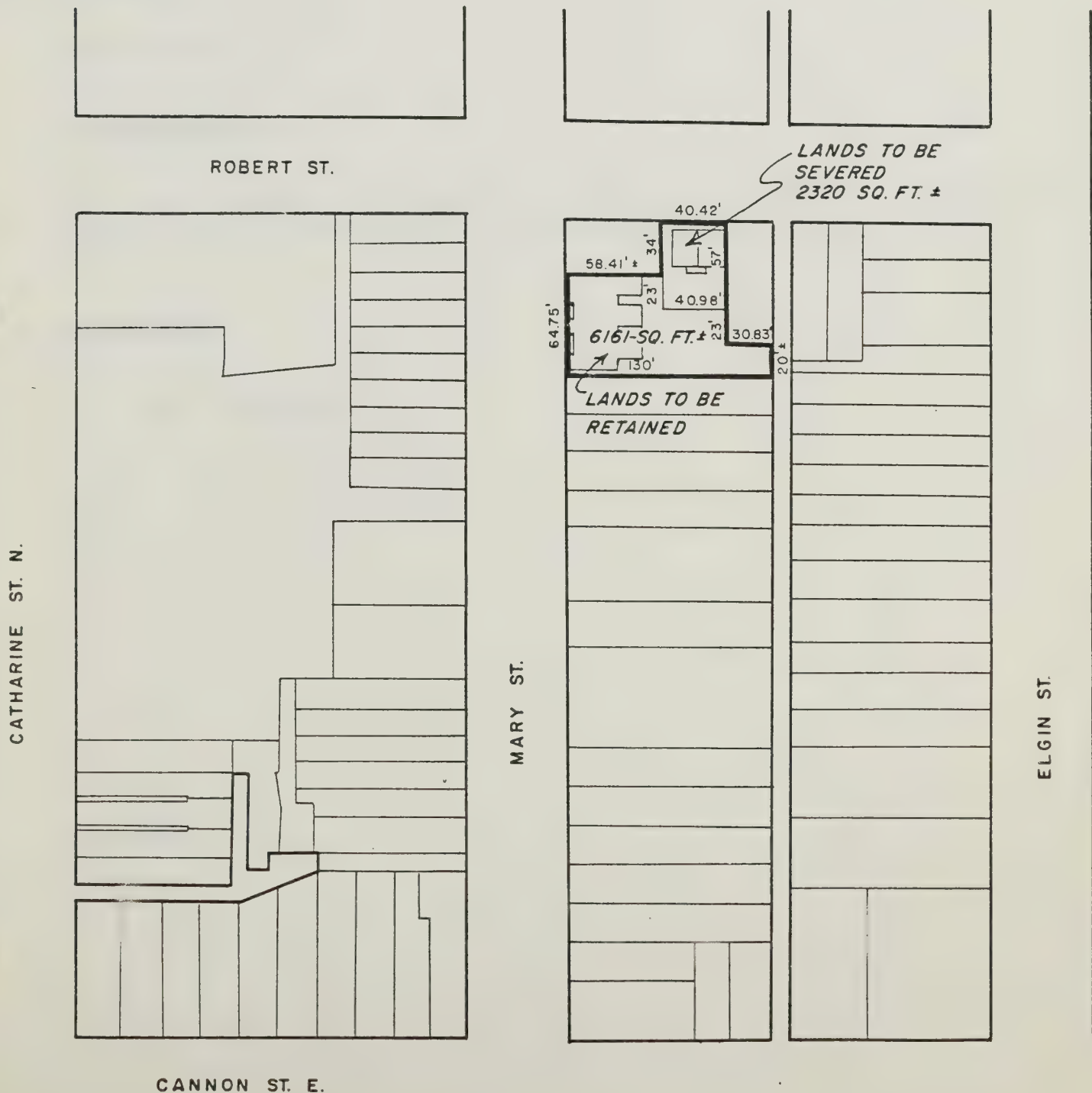
FILE NO: H - 7 - 85

DATE: JAN. 4, 1985

SCALE: 1" = 100'



PLAN SHOWING PART OF LOTS 6 & 7 - R.P. 287 CITY OF HAMILTON



320

F O R A C T I O N

FROM P. Kuppe DATE 1987 August 5
TO J. Thompson Refer to File No. _____
Attention Of _____
Your File No. _____

SUBJECT

Demolition

RECOMMENDATION

That the Building Commissioner be authorized to issue a demolition permit for the demolition of a residential building as outlined below.

BACKGROUND

527 Upper Wellington

(0900g)



B U I L D I N G D E P A R T M E N T

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF

LAND IS PERMITTED BY PRESENT ZONING

DATE: 1987 August 5

EM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	ZONE	RECOMMENDATION
1.	527 Upper Wellington	S.F.D.	Commercial	37 X 112	"H"	It is recommended that the Committee approve demolition.

PETER C. LAMPMAN, P. ENG.,
DIRECTOR OF PLAN EXAMINATION

FOR ACTION

FROM P. Kuppe DATE 1987 August 5
TO J. Thompson Refer to File No. _____
Attention Of _____
Your File No. _____

SUBJECT

Demolition

RECOMMENDATION

That the Building Commissioner be authorized to issue demolition permits for the demolition of residential buildings as outlined below.

BACKGROUND

1. 202 Glow Avenue
2. 20 Brucedale East
3. 32 Brucedale East
4. 34 Brucedale East
5. 36 Brucedale East
6. 38 Brucedale East
7. 965 Stonechurch Road East
8. 134 Bay Street North

(0899g)



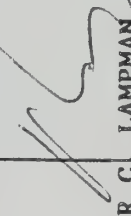
BUILDING DEPARTMENT

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF

LAND IS PERMITTED BY PRESENT ZONING

DATE: 1987 August 5

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	ZONE	RECOMMENDATION
1.	202 Glow Avenue	S.F.D.	S.F.D.	42 X 100	"C"	It is recommended that the Committee approve demolition. Demolition was started before a permit was issued. Owner charged and fined (\$300.00)
2.	20 Brucedale East	S.F.D.	Townhouse	155 X 150	"DE-3/S -911"	It is recommended that the Committee approve demolition.
3.	32 Brucedale East	S.F.D.	Townhouse	30 X 225	"DE-3/S -911"	It is recommended that the Committee approve demolition.
4.	34 Brucedale East	S.F.D.	Townhouse	30 X 225	"DE-3/S -911"	It is recommended that the Committee approve demolition.
5.	36 Brucedale East	S.F.D.	Townhouse	25 X 220	"DE-3/S -911"	It is recommended that the Committee approve demolition.
6.	38 Brucedale East	S.F.D.	Townhouse	35 X 220	"DE-3/S -9;;"	It is recommended that the Committee approve demolition.
7.	965 Stonechurch Rd. E.	S.F.D.	Two Family Dwelling	65 X 120	"D" Modified	It is recommended that the Committee approve demolition.
8.	134 Bay St. North	Commercial & Two Family Dwelling	Comm. Plaza	39 X 64.5	"H"	It is recommended that the Committee approve demolition.
						 PETER C. LAMPMAN, P. ENG., DIRECTOR OF PLAN EXAMINATION

FOR ACTION

3b.

FROM Mr. Paul Kuppe, Building Commissioner DATE August 6th, 1987
TO Planning and Development Committee Refer To File No. _____
Attention Of P. Kuppe
Your File No. _____

SUBJECT

Building Department staffing and responsibility

RECOMMENDATION

That Item 16 of the 15th Report for 1987 of the Planning and Development Committee passed by City Council at the meeting of July 28th, 1987 be rescinded.



BACKGROUND

Section 8 of the 14th Report of the Planning and Development Committee as amended by City Council at its meeting held July 28th, 1987, does not provide funds and manpower to take over this additional responsibility.

FOR ACTION

JUL 28 1987

4a

Mr. E. W. Kowalski, Director
Community Development

FROM _____ DATE 1987 July 27

TO Planning and Development Committee Refer To File No. 800-0602.7

Attention Of _____

Your File No. _____

SUBJECT

Downtown Hamilton Action Plan, Canadian Imperial Bank of
Commerce; Streetscape Improvements.

RECOMMENDATION

That the Planning and Development Committee recommend to the Executive Committee that the Downtown Hamilton Action Plan, Canadian Imperial Bank of Commerce, Streetscape Improvements, be proceeded with at an estimated gross cost of eighty thousand dollars (\$80,000.) as provided for in the 1987 portion of the 1987 to 1991 Capital Budget as project #37003.

That the Treasurer be requested to recommend to the Executive Committee the amount and source of funds to be provided for this Capital Project.

E. Kowalski

BACKGROUND

On 1986 February 11, City Council adopted the Fourth (4th) Report of the Planning and Development Committee, recommending that a similar streetscape design to that utilized in Phase II of the Downtown Action Plan be extended on James Street South and King Street West around the perimeter of the Bank of Commerce tower. Telesis Development Corporation (nee Dover Park Development) is carrying out these improvements on a cost sharing basis with the City. The City's share, as approved in the Capital Budget, is eighty thousand dollars (\$80,000.).

Also included in the 1986 February 11 report is the recommendation to continue these improvements along King Street West from the western limit of the Phase I building to MacNab Street at such time as the Phase II building is erected.

c.c. Mr. E. Matthews, Treasurer
Att: Mr. B. Hotrum, Treasury Officer

c.c. Mr. J. Schatz, Secretary, Executive Officer

4b.

FOR INFORMATION

FROM Mr. E. W. Kowalski, Director,
Department of Community Development **DATE** 1987 July 31

TO Planning and Development Committee **Refer To File No.** 800-0014.10

Attention Of _____

Your File No. _____

SUBJECT

Ottawa Street Business Improvement Area (B.I.A.); Jockey Club
Tavern Exclusion from the B.I.A.

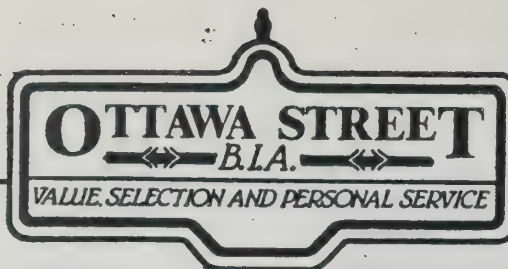
BACKGROUND

For the information of the Committee members, on 1987 May 13, W. Mack, Jockey Club Tavern Ltd., his lawyer, J. Jaskula and G. Carrey of the Ottawa Street B.I.A. met before the Planning and Development Committee. At that time, the Jockey Club Tavern requested they be exempt from the levy imposed by the B.I.A.

Following discussion, the Planning and Development Committee encouraged representatives of the Jockey Club Tavern Ltd. and the Ottawa Street B.I.A. Board of Management to meet and resolve their concerns and be welcome to appear before the Planning and Development Committee concerning this matter again.

The meeting took place 1987 June 10 at the Jockey Club Tavern. Attached are the minutes of the meeting forwarded by the Ottawa Street B.I.A.

Subsequently, after discussion at the Ottawa Street B.I.A.'s Board of Management meeting 1987 July 08, the Board declined the possibility of minimum/maximum levies for the Ottawa Street B.I.A. membership.



Ottawa Street Business
Improvement Area (B.I.A.)

326-1/2 Ottawa St. N., Hamilton, Ont.
L8H 4A1 Tel: 544-5822

July 9, 1987

Mr. E.W. Kowalski
Director of Community Development
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

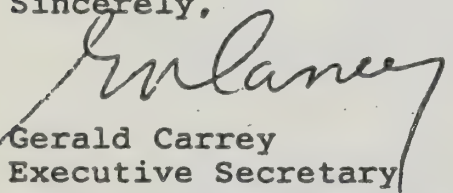
Attention: Sylvia Renshaw

Dear Sylvia:

Enclosed is a copy of the minutes taken at the special meeting at the Jockey Club Tavern held June 10, 1987, as per your request.

Upon reviewing these minutes, if you have any questions concerning this meeting, please contact me at 545-3353 or through the BIA staff at the above address and phone.

Sincerely,


Gerald Carrey
Executive Secretary
BIA Board of Directors

cc. Mr. Wally Mack, Jockey Club Tavern
Mr. Ted Culshaw, Chairman, BIA Board of Directors

RECEIVED

DATE July 10/87
FILE NO. 800.0014.10
LETTER NO. 814-40
FILE CK, file SA 87/7/20

Minutes - Meeting at Jockey Club - Wednesday, June 10, 1987

Present were Ted Culshaw, Gerald Carrey, Wally Mack, John Jaskula and Diane Whatmough.

Wally Mack and his lawyer, John Jaskula, stated that the Jockey Club gets nothing out of the BIA but pays 12% of the budget each year.

He does not want to get other BIA members involved - he just wants to resign from the BIA because he is not in the neighbourhood.

Gerry Carrey stated that Planning and Development directed the BIA to meet with Wally Mack. He presented some of the ideas that Wally Mack could use to recoup some of his BIA levy.

Free graphic design and a more complete tour package were offered by our BIA Job Development staff. A suggestion of a Beer Gardens or having a "MacMaster or Mohawk Night" during our Back to School Sale was made.

According to Mr. Mack, no graphic design is needed because his family does all that for him. He cannot accomodate tour luncheons or dinners anymore because he closed his dining room. He could not get a licence for a Beer Gardens and cannot participate in any of the Ottawa Street promotions.

Minimum/Maximum levies were discussed. Mr. Mack stated that he could not even recoup a maximum levy of \$5,000. He might consent to a maximum of \$500 to \$600 though.

The document written from P.M. Eker, City Solicitor, to the Jockey Club was discussed, specifically the ability of the Jockey Club to resign from the BIA. Mr. Jaskula said that all the BIA has to do is to consent to letting the Jockey Club out. The Board is concerned however, about the possibility of the BIA breaking up totally. This feeling is reflected in the letter from Mr. Eker, where he stated that doing this is "not encouraged since the effect could be disintegration of an established BIA."

Mr. Jaskula said that there could be a special charge for the Jockey Club because of special circumstances.

Gerry said that this would be taken to the Board of Directors and discussed.

4(c)

FOR INFORMATION

FROM Mr. E. W. Kowalski, Director,
Community Development DATE 1987 August 07

TO Planning and Development Committee Refer To File No. 800-0609

Attention Of _____

Your File No. _____

SUBJECT

Crown Point West/Stipeley PRIDE Application for 1987-88 Programme Year

BACKGROUND

Attached, as Schedule 'A', for the information of the Committee members is a letter from the Minister of Municipal Affairs, Bernard Grandmaitre, notifying His Worship Mayor R. Morrow, that the City of Hamilton has been allocated four hundred thousand dollars (\$400,000.) under the PRIDE Programme. PRIDE or Programme for Renewal, Improvement, Development and Economic Revitalization provides towns and municipalities with financial assistance to revitalize older residential, commercial, industrial and mixed use areas on a fifty-fifty (50/50) matching basis.

The City of Hamilton originally made application for a total project cost of three million dollars (\$3,000,000.) with the Province contributing one and one-half million dollars (\$1,500,000.) for the Crown Point West and a portion of the Stipeley neighbourhoods.

The Department of Community Development will provide a recommendation at the next Planning and Development Committee meeting with regards to the expenditure of four hundred thousand dollars (\$400,000.) Provincial and matching four hundred thousand dollars (\$400,000.) Municipal funds.

c.c. Mr. R. Prowse, Secretary
Parks and Recreation Committee

c.c. Mr. E. Matthews, Treasurer
Att: Mr. B. Hill, Urban Renewal Clerk

AUG 5 1987

SCHEDULE 'A'

Office of the
MinisterBureau du
ministreMinistry of
Municipal
AffairsMinistère des
Affaires
municipales777 Bay St.
Toronto, Ontario
M5G 2E5

July 30, 1987

His Worship
Mayor R. Morrow
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mayor Morrow:

Re: Program for Renewal, Improvement, Development
and Economic Revitalization (PRIDE) - Application
for the 1987-88 Program Year

The review of municipal applications for funding under PRIDE for the 1987-88 program year has now been completed, and I am pleased to inform you that the City of Hamilton has been allocated \$400,000 by the Province of Ontario.

In view of the limited availability of program dollars, the funds under PRIDE should be directed towards strategic improvements which achieve both Provincial and Municipal objectives.

My staff will be contacting your staff in the immediate future to assist in the identification of these critical project components and to discuss detailed aspects of program administration. It should be noted that no money can be spent on the implementation of the PRIDE proposal until the requisite community improvement plan has been approved.

I would like to wish you every success in this undertaking and assure you that my staff at the Community Renewal Branch will be pleased to assist you in every way possible.

Yours sincerely,

Bernard Grandmaître
Minister

August 5/87
800-0609
819/35
FILE
87/8/5
S.T.



RECEIVED 5a.

JUL 15 1987
CITY CLERKS

Office of the
Minister

Bureau
du Ministre

Ministry of
the Attorney
General

Ministère
du Procureur
général

18 King Street East
Toronto, Ontario
M5C 1C5

18 rue King, est
Toronto, Ontario
M5C 1C5

416/965-1664

July 10, 1987

Mr. E.A. Simpson
City Clerk
The Corporation of the City
of Hamilton
City Hall
Hamilton, Ontario
L8N 3T4

Dear Mr. Simpson:

I refer to your letter to me of May 28, 1987 in which you brought to my attention a request by Hamilton City Council that I investigate the statements set out in a pamphlet published by the Ontario Freedom Party entitled, "Warning! B.I.A.'s are Hazardous to your Economic Health and Independence."


I understand that the B.I.A.'s or "Business Improvement Area" program is administered by the Ministry of Municipal Affairs. The pamphlet which you forwarded with your letter criticizes the B.I.A. program.

If you believe that any aspect of the pamphlet forms the subject matter of a criminal or provincial offence you should report your concerns to your local police who are empowered to investigate offences. As Attorney-General I am responsible for the direction and supervision of the administration of justice in Ontario, including the prosecution of offences. However, the actual investigation of criminal and provincial offences is conducted by the police, who have the resources and training to carry out such investigations.

Page 2

I trust that this information
is of assistance to you. Thank you for
bringing this matter to my attention.

Yours truly,

A handwritten signature in dark ink, appearing to read "Ian Scott". The signature is fluid and cursive, with a prominent initial "I" and a long, sweeping underline.

IAN SCOTT
Attorney General

6a.

F O R A C T I O N

FROM Planning and Development Committee DATE 1987 July 31
L.A.C.A.C.
 TO Refer To File No. _____
Attention Of _____
Your File No. _____

SUBJECT

West Avenue School

RECOMMENDATION

That the Director of Property not proceed with the demolition of West Avenue School as approved by City Council 1987 March 10, until such time as possible alternative uses for the original 1880's school building have been investigated.

BACKGROUND

The Fifth Report of the Executive Committee adopted by City Council on 1987 March 10 gave approval to the option to purchase this property subject to the purchaser and the owner jointly, at the expense of the owner, applying for and obtaining a rezoning of the subject lands to allow for the public parking of automobiles.

L.A.C.A.C. has listed West Avenue School on Hamilton's Inventory of Architecturally and Historically significant buildings and feels that alternative uses for the original 1880's school building should be investigated rather than demolishing the building for public parking spaces.

Because the original zoning application in 1985 pre-dated the new system of circularization to L.A.C.A.C. staff respecting zoning changes, L.A.C.A.C. was advised of the proposal to demolish the school building for parking purposes only this month.

The Chairman and members of L.A.C.A.C. will be present at the Planning and Development meeting to discuss this matter.

L. Peddle

LP/jc

cc: Mr. D. Vyce, Property Department
Mr. P. Kuppe, Building Department
Ms. Nina Chapple, Planning Department

6b.

F O R I N F O R M A T I O N

FROM L.A.C.A.C. DATE 1987 July 31
TO Planning and Development Committee Refer To File No. _____
Attention Of _____
Your File No. _____

SUBJECT

Ontario Heritage Policy Review

BACKGROUND

The Ministry of Citizenship and Culture is undertaking a Heritage Policy Review, which will be completed in 1989. In this regard, the Ministry prepared a discussion paper which was forwarded to all L.A.C.A.C.'s for comment.

An information meeting on this topic was held in Hamilton on 1987 May 13.

L.A.C.A.C. at its meeting held 1987 July 27 approved the attached report which was submitted to the Ministry of Citizenship and Culture. The deadline for the submission of a report was 1987 July 31.

An additional report will be prepared for consideration of the Planning and Development Committee as part of the second round of consultations planned by the Ministry of Citizenship and Culture. This will give the department the opportunity to review submissions prior to making planning recommendations.

L. Piddle

LP/jc

c.c. Ms. Nina Chapple, Planning Department



E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1987 July 31

Mr. Greg Baeker
Executive Co-Ordinator
Ontario Heritage Policy Review
Ministry of Citizenship and Culture
77 Bloor Street West
Toronto, Ontario. M7A 2R9

Dear Mr. Baeker:

Re: Ontario Heritage Policy Review

I have the pleasure of enclosing the City of Hamilton L.A.C.A.C.'s submission on the Ontario Heritage Policy Review. As arranged with Mr. David Godley of the Planning Department, the City of Hamilton will make a submission in the Fall as part of the second round of consultations, once staff have had a chance to review initial submissions.

If you have any questions, please free to call Gil Simmons at 522-9974.

Yours truly

L. Peddle, Secretary
L.A.C.A.C.

LP/jc

cc: Mr. D. Godley, Planning Department
Gil Simmons

encl.

FOR ACTION

FROM Heritage Act Review Subcommittee

DATE July 14, 1987

TO LACAC

Refer to File P5-8-4-7

Attention V. J. Abraham

RECOMMENDATION

That LACAC forward the following comments to the Ontario Heritage Policy Review by July 31st, 1987.

1. Funding

Funding for heritage conservation should be substantially increased. Permanent programs should be provided. The funding should be available with the minimum of red tape.

- Better funding will lead to both more heritage projects being carried out and more control over buildings of architectural and historic importance through additional designations. The new Preserving Ontario's Architecture Program is very welcome although there is concern about the restrictive nature of the application of the program. The extent of increased need in the future will be partially dependent on success in dealing with tax incentives (see 2).

2. Tax Incentives

The taxation system should encourage restoration and renovation. Incentives could take the form of tax credits for business or exemptions from municipal taxes. The Province should work in unison with municipalities to support Buildings Revival Coalition goals.

- There is a wide range of economic and cultural benefits from conservation oriented tax incentives (Appendix 4). The tax credit system in the United States has transformed the building industry. The Buildings Revival Coalition is pressing the Federal Government for similar reforms (see Appendix 5).

3. Provincial Leadership

While leaving a major role for municipalities, the Provincial government should increase its leadership role in heritage matters by:

- a) Increasing contact with the Federal Government. Specifically, the Province should support Federal tax incentives (see 2). The Province should also support the preparation of a list of buildings of Federal importance together with a program of funding and protection.
- b) Increasing contact with both Federal and Provincial non Government bodies, e.g. Federation of Canadian Municipalities, the Association of Municipalities of Ontario and the Architectural Conservancy of Ontario.
- c) Informing the public especially decision makers about heritage conservation through conferences, publications, videos and the electronic media, e.g. T.V.O.
- d) Providing technical research and publishing information papers, e.g. do it yourself manual for home improvements, restoration handbook.
- e) Issuing guidelines for municipalities and the public, e.g. architectural guidelines, guidelines relating to all aspects of heritage designation.
- f) Carrying out case studies, e.g. economic impacts of heritage districts, strategic planning for LACACs.
- g) Funding and advising volunteer groups including LACACs or individuals with preservation objectives, e.g. special projects, support funding for technical staff.
- h) Expanding education in heritage subjects through curriculum review and development in elementary, secondary, post secondary and continuing education institutions.
- i) Funding special preservation projects and demonstration projects similar to Ecology House and R2000 Energy-Efficient Homes.
- j) Sponsoring conferences, seminars and workshops on heritage matters including a Provincial wide annual conference.
- k) Co-ordinating LACACs and ensuring interLACAC communications through newsletter, displays, etc.
- l) Providing an administrative staff at the Provincial level with access to a diverse range of expertise including planners, architects, landscape architects and architectural historians including consultants.

4. Provincial Protection

The Province should assume responsibilities for Provincially significant heritage in consultation with municipalities. The Province should establish a list of buildings and areas of provincial importance. The Province should establish a public list of provincially owned properties and establish a preservation program for its own buildings with public input.

- The Province is a major property owner and can make a key contribution to heritage conservation through a program for its own buildings.

5. Related Provincial Legislation

The Ministry of Citizenship and Culture should ensure a review of Provincial legislation which might affect of heritage matters, e.g. Pits and Quarries Control Act, the Education Act, the Nursing Homes Act, the Building Code and the Fire Code. They should also request the Federal Government to review Federal legislation which might affect heritage matters.

- Many pieces of legislation work against heritage principles. Modifications can be made to legislation to correct this while maintaining the original intent of the law, as has been done under Part 11 of the Building Code.

6. Provincial Policies

The Ministry of Citizenship and Culture should, as part of the review, develop policies for the protection of features of significant natural, architectural, historical and archaeological interest as defined in Section 2(6) of the Planning Act and as authorized under Section 3 (Appendix 6).

- Decisions under the Planning Act will have a clear framework within which to work, once the policies are established.

7. Protection from Demolition

Municipalities should have the power to delay demolition for longer than 180 days. Municipalities should also have the power to refuse demolition. The Province should have the same power for buildings of Provincial importance.

- Protection from demolition is a common power in other jurisdictions. However, flexibility should be maintained to allow for delays as well as control over demolition so as not to discourage designation.

8. Designation of Provincial and Federal Buildings

The Municipality should be able to designate Provincial and Federal government buildings. The Province and the Federal Government should fully consult municipalities before disposing of a designated building or carrying out alterations or demolitions which affect heritage aspects.

- It is recognized that local by-laws do not bind the Crown. However, there are local interests in Crown property.

9. Heritage Districts

Heritage districts should be encouraged through increased funding and simplified procedures. The heritage district concept should be reinforced, including consideration of the following:

- o Designated buildings should be permitted in heritage districts.
- o There should be provisions for de-designating heritage districts where there are overriding reasons - e.g. fire destruction.
- o Interim control for heritage districts should be permitted as soon as the intent to designate by-law is passed (similar to individually designated buildings).
- o There should be provisions to exempt certain alterations from the permit application process based on guidelines in the Heritage Conservation District Plan. (A similar mechanism is provided for in site plan control under the Planning Act.)
- o A control system similar to the Niagara Escarpment Act provisions (based on permits for all development including demolition) should be available under the Heritage Act so that planning control is comprehensive.
 - An overhaul of the heritage district provision is needed. Heritage districts have been used little in Ontario yet their potential is great. Districts can be comprehensively planned to preserve character. Individual buildings have their potential limited if the surrounding context is incompatible. Many European and United States cities have been successful with historic areas. Heritage districts should be discussed in more depth during the remainder of the review process.

10. Designation Processes

Procedures for both individually designated buildings and districts lack consistency and need streamlining.

- the differences in procedure are confusing and illogical.

11. Role of the Conservation Review Board

The Conservation Review Board should be the appeal body and final arbiter for both designations of buildings and districts and for alterations and demolitions except where the issue is deemed of Provincial importance when the Minister of Citizenship and Culture would decide.

- The Conservation Review Board should act in heritage designations (rather than the OMB) to be consistent with individual designation. The Conservation Review Board should be the sole appeal body for the Ontario Heritage Act.

12. Composition of the Conservation Review Board

The Board should be made up of urban design professionals including architectural historians, architects, landscape architects, planners and other informed citizens.

- o A professional and informed understanding of the issues is more desirable than the more legislatively-oriented OMB.

13. Appeal Subject Matter

Hearings should include deliberation on the planning context as well as the architectural and historic merits of the case.

- o The planning context may be relevant to deciding designation and alterations and demolitions.

14. Who should appeal?

Only owners of individually designated buildings and buildings within heritage districts should be able to appeal designations and alterations and demolitions.

- o Limitation on appeals will streamline the process and encourage more owners to favour designation.

15. Demolition Control

A demolition control section similar to Section 33 of the Planning Act should be added to the Heritage Act to apply to all designated buildings and buildings eligible for designation.

- Requiring buildings to have all the necessary approvals (including a building permit) before a demolition permit is issued and requiring substantial completion within a minimum of two years will avoid having buildings torn down unnecessarily. Section 33 of the Planning Act relates only to residential buildings yet can successfully be adapted to protection of buildings of architectural and historic interest.

16. Deterioration of Buildings

Means must be found to prevent vandalism and neglect, wilful or otherwise, of designated buildings. Repairs and boarding up should be permitted to be done by the Municipality and costs should be recoverable.

- Both 2774 King Street East and 74 Charlton Street have been subject of vandalism where an owner wished to redevelop.

17. Unauthorized Removal of Heritage Features

Clear authorization of qualified inspection staff to protect against the removal of heritage features should be given by the Heritage Act.

- Problems have arisen with removal of features of architectural and historic interest from the Pigott Building.

18. Sandblasting

Sandblasting should be specifically mentioned as an alteration in the Heritage Act. Programs providing incentives for non-harmful methods of cleaning should be established.

- sandblasting can have an adverse affect on the life of a building and should be controlled.

19. Open Areas

The Act should specifically take into account landscape features and areas of archeological interest, natural areas, open spaces and parks, as candidates for designation.

- These areas require protection just as much as heritage structures.

20. Approvals

Approvals for alterations and demolitions for both individual buildings and districts should be delegatable from the City Council to a committee or staff members.

- Delegation would streamline the approval process.

21. Minor Amendments

The Ontario Heritage Act should be amended immediately to allow administrative processes to run more smoothly.

- It may be a number of years before new legislation is passed as a result of the heritage policy review. The following amendments have been selected on the basis of urgency and lack of controversy.

The amendments should include:

- a) Section 29(7). Amend to remove the need for a Conservation Review Board hearing where objections to designation of a building are withdrawn.
 - This would save time and money. Several days of staff time and costs for presentation would be saved. It would be redundant to examine the merits of designation in such a case.
- b) Section 33(1). Amend to specify that tenants as well as owners, not be permitted to alter property.
 - This would block a legal loophole.
- c) Section 41(6). Amend to remove the need for an Ontario Municipal Board hearing where there is no objection to district designation.
 - There was no objection to the St. Clair district, but a hearing had to be held. Time and money could have been saved. Several days of staff time were used for preparing the case for the OMB hearing. The designation was delayed for about five months as a result of having to hold a hearing.
- d) Section 41(8). Amend to allow 30 days rather than 14 days to complete a Heritage District Application to the Ontario Municipal Board.
 - Fourteen days seems to be an unduly short time for the City to submit applications. Individual designations require 30 days for submission. Other Acts require in the order of a month. The City lost two months in the designation process for the St. Clair Heritage Conservation District under the 14-day rule.
- e) Section 67(3). Amend to require only one newspaper advertisement for heritage building and heritage district designations.
 - This would save municipalities time and money. An advertisement in the Spectator costs about \$150, a saving of \$300. Two weeks would be saved in the designation process, since each advert has to be a week apart.
- f) Section 69(3). Delete the requirement for the Minister to authorize prosecution for an offence under the Act.
 - The Provincial Offences Act requires prosecutions to proceed within six months which can lead to time barring. In the case of 109 George Street, receiving Ministerial approval took the process beyond six months and prosecution could not proceed. Local autonomy at the municipal level should be respected.

22. Penalties

Penalties should be adjusted.

- Penalties should reflect more clearly the degree of seriousness of the breach of law. Inflation has reduced the fine limitations to about one-third of 1974 values.

23. Phasing In

Thought should be given to the phasing in of new provisions.

- It may be appropriate to keep existing designated buildings and districts under the present Act.

24. Continued Involvement

The Heritage Policy Review should keep Hamilton LACAC fully involved throughout the review process.

- Initial submissions are part of a process which will take two years to complete. Many of the comments need further discussion and refinement. Feedback from other organizations and a possible symposium (see 25) may lead to modifications and additions to LACAC's current thinking.

25. Symposium

As part of the review process the Ministry should organize a symposium for LACAC's of larger municipalities.

- There is a need for larger municipalities to discuss common issues. Pressures of development in larger municipalities (i.e. over 250,000 population) are of a different nature to smaller municipalities and rural areas.

BACKGROUND

- o On request of the Ministry of Citizenship and Culture, LACAC forwarded comments about the proposed Heritage Policy Review in October 1986 (Appendix 2).
- o The Ontario Heritage Policy review was launched by the Honourable Lily Munro, Minister of Citizenship and Culture, in February 1987.
- o A discussion paper was published in May 1987, which summarized some of the trends and issues related to heritage and identified some key questions (Appendix 3).
- o During May and June the Ministry have held meetings throughout the Province. About 25 people attended the Hamilton meeting on May 13, 1987. Diane Dent, Howard Mark, Nina Chapple, Ann Gillespie and David Godley attended and made comments. Hamilton LACAC were concerned about the built heritage, while other speakers were interested in the natural heritage, museums and archaeology. The common theme was the need for education.
- o The suggestions in Appendix 1 were brought to LACAC for discussion on June 22, 1987. Subsequently, the LACAC Research Committee reviewed these. A final report has been brought to LACAC in time for the July 31st submission deadline, established by the Province. The two key areas addressed are: i) a policy framework; ii) amendments to the Ontario Heritage Act. Recommendations are made together with rationale.
- o During the fall, a further series of meetings with Government Departments and Ontario wide organizations will be organized by the Province. The subcommittee will keep LACAC informed.

DG:lm/cs

W.P. DOC. 0605P

SUGGESTIONS FOR INCLUSION IN LACAC'S
SUBMISSION ON THE HERITAGE POLICY REVIEW

1. Minor Amendments

The Ontario Heritage Act should be amended now to allow processes to run more smoothly.

- It may be a number of years before new legislation is passed as a result of the heritage policy review.

The amendments should include:

- a) Section 29(7). Amend to remove the need for a Conservation Review Board hearing where objections to designation of a building are withdrawn.
 - This would save time and money.
- b) Section 33(1). Amend to specify that tenants as well as owners not be permitted to alter property.
 - This would block a legal loophole.
- c) Section 41(6). Amend to remove the need for an Ontario Municipal Board hearing where there are no objections to district designation.
 - There was no objection to the St. Clair district but a hearing had to be held. Time and money could have been saved.
- d) Section 41(8). Amend to allow 60 days rather than 14 days to complete a heritage district application to the Ontario Municipal Board.
 - 14 days was not enough time for the City to act and a second by-law had to be passed for the St. Clair district.
- e) Section 67(3). Amend to require only one newspaper advertisement for heritage building and heritage district designations.
 - This would save municipalities time and money.

- In the case of 109 George Street, receiving Ministerial approval took the process beyond six months and the case became "time barred".

2. Funding

Funding for heritage conservation should be substantially increased. Permanent programs should be established. The funding should be available with the minimum of red tape.

- Better funding will lead to both more heritage projects being carried out and more control over buildings of architectural and historic importance through additional designations.

3. Tax Incentives

The taxation system should encourage restoration and renovation. Incentives could take the form of tax credits for business or exemptions from municipal taxes.

- There are a wide range of economic and cultural benefits from tax incentives (Appendix 4). The tax credit system in the United States has transformed the building industry. The Buildings Revival Coalition are pressing the Federal Government for similar reforms (see Appendix 5).

4. Protection from Demolition

Municipalities should have the power to delay demolition for longer than 180 days. For more important buildings the Municipality should have the power to refuse demolition. The Province should have the same power for buildings of Provincial importance.

- Permanency of protection is a common power in other jurisdictions. However, flexibility should be allowed for delays so as not to discourage designation.

5. Provincial Government Leadership

The Provincial government should enhance its leadership role while retaining a major role for the municipality by:

- a) Increasing contact with the Federal Government. Specifically, the Province should support Federal tax incentives and preparation of a list of buildings of Federal importance together with a program of funding and protection.

- b) Increasing contact with both Federal and Provincial non Government agencies, e.g. Federation of Canadian Municipalities Association of Municipalities of Ontario and Architectural Conservancy of Ontario.
- c) Informing the public especially decision makers about heritage conservation through conferences, publications, videos and the electronic media, e.g. T.V.O.
- d) Providing technical research and publishing information papers, e.g. do it yourself manual.
- e) Issuing guidelines for municipalities and the public.
- f) Funding and advising volunteer groups including LACAC's or individuals with preservation objectives, e.g. special projects.
- g) Ensuring education in heritage subjects through curriculum review. Important groups comprise school children, post secondary students and urban design professionals.
- h) Providing demonstration projects.

6. Provincial Protection

The Province should establish a list of buildings and areas of provincial importance in consultation with municipalities. The Province should establish a list of provincially owned properties and establish a preservation program.

- The Province are large property owners and can make a key contribution to heritage conservation through a program for their own buildings. The Province should assume responsibilities for provincially significant heritage.

7. Related Provincial Legislation

The Ministry of Citizenship and Culture should ensure a review of Provincial legislation which impacts of heritage matters, e.g. parts of the Education Act, the Nursing Homes Act, the Building Code and the Fire Code. They should also request the Federal Government to review Federal legislation which impacts heritage matters.

- Many pieces of legislation work against heritage principles. Modifications can be made to legislation to correct this while maintaining the original intent of the law, as has been done under Part 11 of the Building Code.

8. Designation of Provincial and Federal Buildings

The Province and the Federal Government should be bound by the Heritage Act where buildings in their ownership are designated.

- All levels of Government and the private sector should be the subject of the same heritage principles.

9. Provincial Policies

The Ministry of Citizenship and Culture should, as part of the review, develop policies for the protection of features of significant, natural, architectural, historical and archaeological interest as defined in Section 2(6) of the Planning Act and as authorized under Section 3 (Appendix 6).

- Decisions under the Planning Act will have a clear framework within which to work once the policies are established.

10. Heritage Districts

Heritage districts should be encouraged through increased funding and simplified procedures. The heritage district concept should be reinforced including consideration of the following:

- o Designated buildings permitted in heritage districts.
- o Interim control for heritage districts as soon as the intent to designate by-law is passed.
- o A control system similar to the NEC provisions (based on development permits) for the Heritage Act so that planning control is comprehensive.
 - An overhaul of the heritage district provision is needed. Heritage districts have been used little in Ontario yet their potential is great. Areas can be comprehensively planned to preserve character. Individual buildings have their potential limited if the surroundings context are incompatible. Many European cities have been successful with historic areas.

11. Designation Processes

The procedures for both individually designated buildings and districts should be streamlined and synchronised.

- the differences in procedure are confusing and illogical.

12. Appeals

The Conservation Review Board should be the appeal body for both individually designated buildings and districts. Only owners of individual buildings or of buildings in a heritage district should be permitted to appeal. The Board should report to Council who should be the final arbiter except where the building or district is deemed of Provincial importance when the Minister of Citizenship and Culture would decide.

- Responsibility should be that of Council except where the buildings are of Provincial importance. The Conservation Review Board which currently fulfills this function for designation of buildings, alterations and demolitions should also deal with districts (rather than the OMB).

13. Demolition Control

A demolition control section similar to Section 33 of the Planning Act should be added to the Heritage Act to apply to all buildings of architectural and historic importance rather than just residential buildings.

- Requiring buildings to have all the necessary approvals (including a building permit) before a demolition permit is issued and requiring substantial completion within a minimum of two years will avoid having buildings torn down unnecessarily.

14. Deterioration of Buildings

Means should be established to deter the deterioration of heritage buildings whether deliberate or otherwise.

Both 2774 King Street East and 74 Charlton Street have been subject of vandalism where an owner wished to redevelop.

15. Unauthorized Removal of Heritage Features

Clear authorization of qualified inspection staff to protect against the removal of heritage features should be given by the Heritage Act.

- Problems have arisen with removal of features of architectural and historic interest from the Pigott Building.

16. Sandblasting

Sandblasting should be specifically mentioned as an alteration in the Heritage Act.

- sandblasting can have an adverse affect on the life of a building and should be controlled.

17. Penalties

Penalties should be adjusted.

- Penalties should reflect the breach of law.

18. Natural Areas, Open Space and Parks

Natural areas, open space and parks should be specially mentioned in the Heritage Act as candidates for designation.

- Landscape areas require protection.

19. Phasing In

Thought should be given to the phasing in of new provisions.

- It may be appropriate to keep existing designated buildings and districts under the present Act.

20. Symposium

As part of the review process the Ministry should organize a symposium for LACAC of larger municipalities.

- There is a need to discuss common issues.

21. Continued Involvement

The Heritage Policy Review should circulate relevant material from submissions to Hamilton LACAC and keep them informed of future participation opportunities.

- Further thinking and refinement of submissions will be needed as the review process evolves.

ONTARIO HERITAGE FOUNDATIONPRIORITIES OF HAMILTON LACACPREPARED OCTOBER 1986

1. Active participation in the review of the Ontario Heritage Act to provide
 - greater protection of heritage resources
 - effective and informed public participation
 - streamlined process
 - consistency within the Act and other Acts, particularly the Planning Act.
 - accountability in decision making.
2. More effective measures to encourage district conservation in addition to legislation
 - integration with planning
 - incentives
 - demonstration projects
3. More education and communications particularly for decision makers.
 - support systems for local communities
 - research
 - information from both Canada and other countries on architectural conservation.
4. Funding should be significantly increased to reflect the worldwide trend to architectural conservation appreciation.

KEY QUESTIONS RAISED IN THE
HERITAGE POLICY REVIEW
DISCUSSION PAPER MAY 1987

1. To what extent, and in what respects, should municipalities have a central role to play in heritage conservation?
2. Is the current division of responsibilities for conserving heritage properties the most effective and desirable?
3. What steps could be taken to reconcile conflicting interests in the conservation of heritage properties in Ontario?
4. How can the resources and efforts of the private sector - both for-profit and not-for-profit - be effectively used in furthering heritage conservation in Ontario?
5. What steps could be taken to increase communications and co-operation among the various players - both public and private sector - currently active in heritage conservation in Ontario?
6. By what means could greater public awareness of heritage be achieved at both the community and provincial levels?
7. How can heritage conservation serve as a greater stimulant to tourism in Ontario?
8. What measure could be taken to strengthen professional training and educational opportunities in various heritage disciplines - archaeology, architectural preservation, documentary history, museum studies, environmental studies, and so forth?
9. How can we manage the new information technologies to assist in heritage conservation in Ontario?
10. - What steps can be taken to extend the boundaries of the heritage movement to include those groups and individuals who may not have been interested or involved before?
11. Are there gaps and inconsistencies in our approach to heritage conservation in Ontario and, if so, how can they be addressed?
12. What steps can be taken to integrate heritage resources and activities with community interest in such spheres as health, education, the environment, the economy and so forth?
13. What are the implications of Ontario's commitments under the 1972 World Heritage Convention to future conservation efforts in the province?

THE BENEFITS OF TAX REFORM

Tax reform could have the single greatest influence on the rehabilitation of older buildings and preservation of heritage buildings. Tax credit to help rehabilitation has the following advantages:

ECONOMIC ADVANTAGES

Job Creation

Renovation projects have proven to be more than twice as labour-intensive as new construction and stimulate demand for a wide range of materials and services.

Regional Economic Development

Since every region of the country has its own share of older buildings, increased emphasis on renovation and rehabilitation offers an economic stimulation across Canada. Hamilton has a greater proportion of older buildings than other cities and should benefit considerably.

Tourism

Preservation and renewal of heritage buildings creates historical, architectural and cultural attractions for tourists and conventioners. Tourism is currently the #2 industry in Ontario and may soon be #1. A recent tourism strategy has identified tourism as having great potential in the Hamilton Region.

Capitalization of Resources

Recycling of existing buildings represents good management of valuable assets (estimated value \$100 billion).

Strengthening the Tax Base

Municipalities improve their tax bases by enhancing existing buildings. Increase in urban amenities attract new business and residents.

Efficient Use of Building Stock

Rehabilitation represents a saving of 45% less energy, 50% less land, 55% less capital and 45% less pollution compared to redevelopment over a ten-year period (according to a U.S. Dept. of Housing and Urban Development study).

Improvement of City Neighbourhoods

Revitalization of older city neighbourhoods and commercial areas, particularly the downtown, would take place through Federal Incentive to supplement Provincial and local programs.

CULTURAL BENEFITS

Awareness

Greater awareness of the City's significant historical and cultural background and development, greater appreciation of the City's historical and architectural buildings and districts and neighbourhoods.

Quality of Life

An improvement in the quality of life, city image and civic pride.

Quality of Environment

A more beautiful Hamilton with a richer and more varied cityscape.

Institute Report

CIP Contributes to the Buildings Revival Coalition

Marc Denhez

Introduction

Canada's stock of pre-1941 buildings has been tentatively evaluated at \$115 billion.¹ Some \$55 billion worth is composed of investment properties (rental residential and commercial), whereas the other \$60 billion is not (i.e. is owner-occupied or institutional).² The prospective requirement for "rehab" work (i.e. rehabilitation within the existing envelope) among the pre-1941 investment properties alone has been tentatively evaluated at \$36 billion.³ However, despite the size of the prospects and the implications for the GNP, there has never been an articulated national policy on how to capitalize upon this inventory.

In late 1985, several national organizations discussed the matter in private meetings. The result was an ad hoc coalition, seeking a federal policy which would address the question of the rehab of Canada's old building stock. Initially, the coalition members were: the Heritage Canada Foundation, the Canadian Institute of Planners, the Institute of Urban Studies and the Ontario Home Builders Association of Canada and the Canadian Federation of Labour. In 1987, the National Renovations Committee of the Canadian Home Builders Association joined. In the meantime, the Federation of Canadian Municipalities had also been pursuing a parallel course.

The Coalition's focus was the "rehab industry." The value of that industry has been estimated in the vicinity of \$18 billion per year.⁴ That gives the industry a significant position in the GNP.

Moreover, the industry is growing. Indeed, it is generally acknowledged that the economic climate in Canada has never been so conducive to rehab. Nonetheless, it appears that if the industry were as healthy as its American counterpart (on a per capita basis), it would be worth \$33 billion per year (Can.).⁵ This, along with the intrinsic size of the stakes involved, prompted the coalition to call for an anal-

ysis of public policy on the question.

Canada does not currently have a policy favouring efforts to capitalize on this building stock. In fact, public policy has tended in the opposite direction. The rehab industry, like the real estate sector generally, is one of the few areas of capital investment which was not encouraged by the government of Canada. Compared to manufacturing, for example, rehab was denied Investment Tax Credits, was allowed a lower rate of tax-deductible depreciation, and paid a higher tax on every dollar of profit. These three factors would, on occasion, turn what would otherwise be profits into losses and vice versa.

The coalition retained the services of Young Parkyn McNab (a firm of chartered accountants affiliated with Coopers & Lybrand) to quantify the discrepancy in real-life situations. The firm did case studies in southern Alberta (Alberta was an ideal location, because its almost non-existent corporate taxation meant that the case studies could profile the undiluted impact of federal fiscal policy), selecting a sampling of real-life rehab projects for which exact figures were available for both the level of investment and the level of return. The figures were produced in two columns: one was for the actual figures, and the second column described the figures which would have been produced with an identical investment and an identical before-tax profit in manufacturing. The discrepancy was not only sizeable, it was very significant. In short, the government of Canada had intervened substantially in the marketplace in order to redirect the flow of investment capital and to encourage certain investments at the expense of others.

Economic Realities

The Coalition believed that the rehab industry did not deserve such treatment. That belief was based not only upon principles of "fairness and equity," but also upon the economic realities of the industry. The first such economic reality was job crea-

tion. The coalition had, at its disposal, a variety of reports demonstrating that rehab had better job-creating features than most other sectors of the economy. In February 1986, however, the Canada Mortgage & Housing Corporation produced even more updated statistics, and dollar for dollar, rehab was shown to create 117 percent more direct jobs than new construction.⁶ Total direct and indirect job creation was at a rate of 59.5 per million dollar expenditure, which was substantially higher than manufacturing and most other sectors of the GNP.⁷ To give a flavour of the dimensions involved, one may consider the following: if indeed the gap (pro rata) between the U.S. and Canadian rehab industries is in the order of \$15 billion, then closing one third of that gap (\$5 billion) would create 300,000 jobs.⁸

Another important factor was tourism. Tourism is reputed to have passed agriculture as the world's largest dollar-generating industry. The capacity of rehabbed areas to attract tourists has been documented throughout North America to the point that the Manitoba Department of Finance concluded that "the possibility of rehabilitated districts or single faithfully-restored buildings acting as tourist attractions has been recognized and intensively cultivated as a means of expanding commercial revenue activity."⁹

From a municipal standpoint, an even more important feature is the impact of the rehab industry on municipal finance. Over the past few years, there have been increasing concerns expressed by municipal treasurers about the increase in costs of municipal infrastructure and utilities. In many cases, demands on infrastructure and utilities required for redevelopment would erode a significant part of the contribution which redevelopment made to the municipal tax base. Rehab, on the other hand, tended to have less impact on infrastructure, and hence a larger percentage of the assessment increase would be net to the municipality.

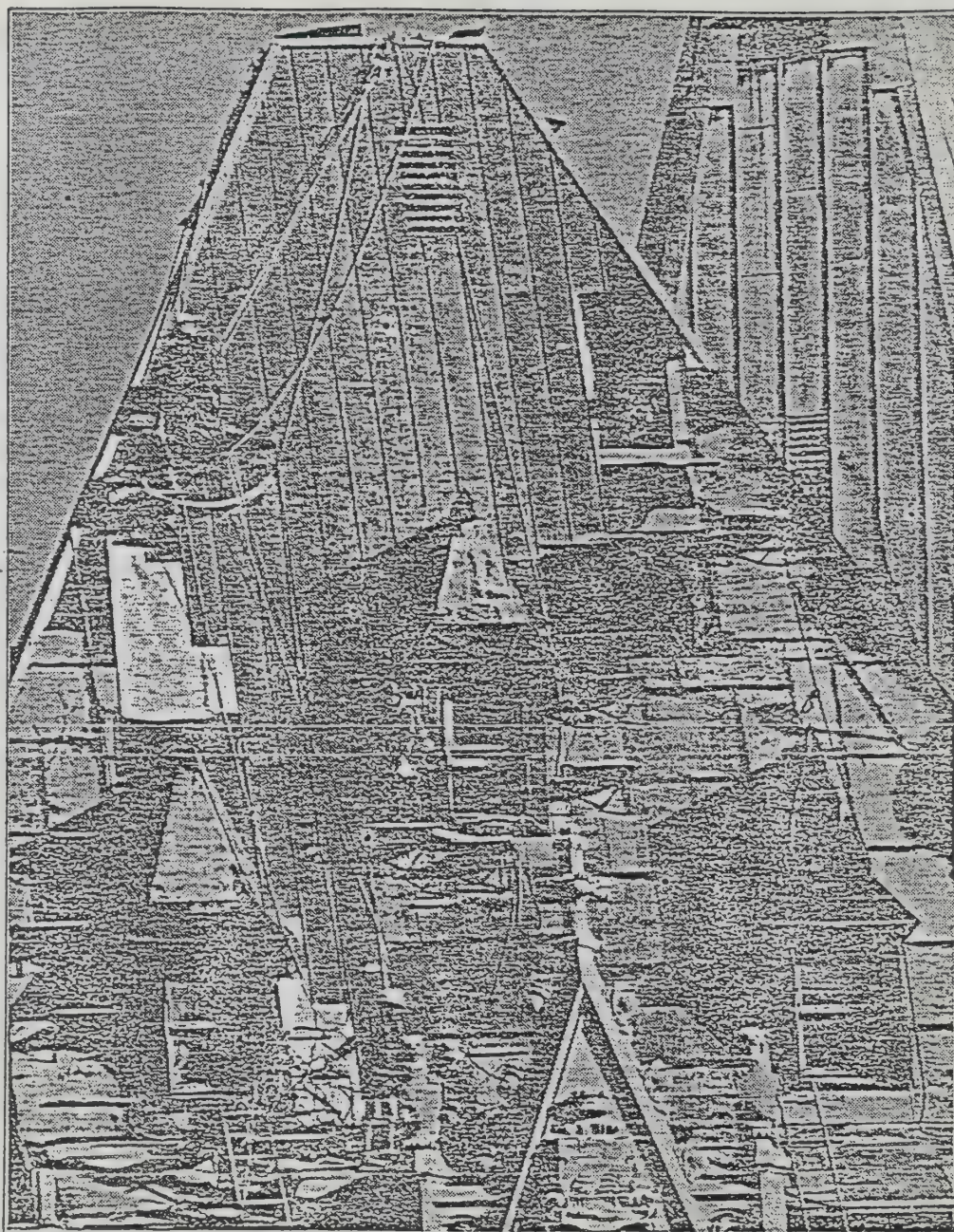
The U.S. government has documented

the effects of rehab in several case studies (Seattle, Galveston, Alexandria Va., and Savannah). Property values increased nine percent to 43 percent per year over the four years following rehab.¹⁰ Average municipal assessment rose from \$25,852 per building before rehab to \$309,214 per building after rehab. Retail sales rose 24 percent to 125 percent per year over the same four year period.

One of the most intriguing features of the rehab industry is its potential to attract investment. As mentioned, the potential gap to be made up (between the Canadian and U.S. industries on a pro rata basis) has been tentatively evaluated at \$15 billion annually. Of equal importance is the prospect that this investment could defy regional disparities. Although some concern had been expressed over the prospect that this investment would gravitate to the older parts of the country, the U.S. track record does not bear that out. The eastern seaboard and the Old South did not monopolize the rehab industry. Cities like Kansas City, Minneapolis, St. Louis and Louisville were among the top ten cities to benefit from federal policies favouring rehab.¹¹ Case studies further indicated that when the U.S. government favoured investment in "certified historic" properties, the impact in a state like Oregon (which few Canadians would have expected to be certifiably historic) was dramatic.¹²

There is no reason to expect a different result in this country. Every region of Canada has areas which, by its own standards, are considered "old," "colourful," and an appropriate target for rehab. The city of Yellowknife, for example, is preoccupied with the fate of its Old Town, which is predominantly composed of 1940's buildings. There is no reason to believe that Yellowknife, and innumerable municipalities like it from coast to coast, could not capitalize on these areas if given the right economic climate. This is in distinct contrast to government encouragement of other areas of the economy (e.g. high tech, manufacturing etc.) which have had a tendency to gravitate toward a handful of centres.¹³ Furthermore, since most rehab expenditures focus on local jobs and local materials, the spin-off effects tend to be felt locally.

The above factors led the coalition to believe that the rehab industry should be given a second look as a possible instrument of national economic policy. Although manufacturing has enjoyed a prefer-



Chateau Laurier Hotel, Ottawa

ential position in Canada ever since the days of Sir John A Macdonald's National Policy, the rehab sector now appeared at least as attractive from a variety of standpoints (particularly "jobs jobs jobs"). Furthermore, the Free Trade Debate promised to make life increasingly difficult for governments whose economic stimulus was focused on "exportable" products. At no time in Canadian history, by contrast, had prospects looked so good for programs which focused on investment for non-exportable items.

That raised the question of timing. If the coalition wanted the government to introduce a policy on the subject of the rehab industry, 1986 appeared to be an auspicious moment to begin discussions. In February 1986, the Hon. Michael Wilson had

Photo courtesy of The Citizen, Ottawa, Ontario

announced that the government would consider fundamental changes to its entire taxation system.

Search for a Policy

As far as the exact format of a policy was concerned, the coalition's first inclination was to look to precedent. The root of the discrepancy in Canada was in the tax system. In other countries (France, West Germany, the Netherlands, Denmark, the U.S.A. etc.), policies supportive to the rehab industry had found their way into the tax system. Accordingly, the coalition first looked at the possibility of tax measures.

The American track record was of particular interest. In 1976, the U.S. had introduced fast write-offs for the rehab of certified historic properties. In 1981, the

ers expected the Reagan administration to treat the subject as a "frill", particularly when the review was entrusted to the then Secretary of the Interior, James Watt. Instead of cutting back on measures for rehab, however, the Reagan administration dramatically increased them. As of 1981, tax credits became available not only for the rehab of the Americans' half million certified historic properties, but also (at a lower level) for the rehab of any non-residential building over 30 years old. The rationale, according to Watt, was not merely to beautify the country. It was intended as "a tool to help revitalize communities and strengthen the nation's economy . . . The new incentives will help maximize private capital, create new jobs and bring about economic revitalization."¹⁴ Not surprisingly, the legislation was called the Economic Recovery Tax Act.

In 1985-86, the U.S. witnessed a further review of this strategy in the context of the Tax Reform debate. A host of municipal officials testified in Washington that these measures were too essential to the American economy (and to municipalities) to be compromised. Although the measures were scaled down slightly, one may note that the inducements for rehab are almost the only tax incentives to survive Tax Reform and to be maintained in the new tax legislation adopted in October 1986.

In the view of some observers (particularly in the real estate industry), however, the American precedent had its limitations. For example, the Canadian Home Builders Association had already taken a public position in favour of fiscal neutrality or parity. That position was motivated not only by considerations of equity, it was also based on the realization that unabashed "perks" can be transitory. The Canadian construction industry still had vivid memories of MURBs and other programs, in which the industry was being consciously heated up and cooled down by government strategists using the tax system. That may have pleased the strategists, but the entrepreneurs had become decidedly suspicious of the roller coaster treatment.

Pursuant to discussions with construction industry spokesmen, the coalition decided to depart from its preference for the American precedent in two fundamental ways. First, it acknowledged that "incentives" were not a necessary component of

(manufacturing) would be a sufficient accomplishment. In other words, one did not have to slant the playing field in favour of rehab; a level playing field would already be a substantial improvement over the status quo.

Second, although it was acknowledged that the Canadian tax system may have been at the origin of the problem, it was also acknowledged that the solution could come from elsewhere. For example, the bottom-line of the investor could be affected by government grants or loans, venture capital programs, guaranteed mortgages, etc. It was expected that the individual investor would be more preoccupied with the actual bottom-line than *how* it was achieved.

*Remarkably, no tally
had ever been made of
Canada's designated
heritage properties.*

Based upon that reasoning, the coalition adopted the following as its first objective: *Approximate parity in how the federal government treats the bottom-line for investors who rehab older buildings, compared to other investors (notably in manufacturing).*

This objective declines to state a preference between tax measures, grants, loans, etc. It also avoids calling for any incentives. It declines to define "older buildings" on the premise that the definition can be worked out in consultation with various regions of Canada at a later point. The only qualifier is that the word "investment" tacitly excludes non-investment properties (institutional and owner-occupied).

The coalition also chose to look at a second category of properties. One will recall that the Americans had singled out "certified historic" properties for special treatment. The coalition did the same on the premise that heritage laws across Canada had created a distinct legal category of buildings with distinct legal features (notably restrictions on demolition and alteration). In almost all of Canada, the public sector's existing *quid pro quo* for that legal intervention was either non-existent or unworkable. Accordingly, it appeared reasonable to suggest a new *quid pro quo*, in the form of support for their rehab, for those

value not only by considerations of fairness, it was also based on economic factors. The designated heritage buildings and districts of Canada tended to be at the very front of the Canadian tourist industry, and because of that relatively high visibility, their rehab had more importance than would normally be the case.

For these reasons, the coalition adopted a second and distinct objective: *A better break for the rehab of designated heritage buildings.*

Remarkably, no tally had ever been made of Canada's designated heritage properties. The coalition's research disclosed that there were approximately 9,200 designated heritage properties in Canada - the overwhelming majority of which were designated collectively in heritage districts (Old Montreal, Central St. John's, Vancouver's Gastown, etc.). Among these properties, some 3,500 are investment properties. This suggests that, on a per capita basis, Canada has been much less active in designating heritage properties than the U.S., which has a half million heritage-designated buildings. If one assumes a total Canadian building stock of eight million buildings, one can tentatively estimate that some 2.3 million were built before 1940. By that estimate, designated heritage properties represent approximately 0.1 percent of the total Canadian building stock, and less than half of that percentage would be composed of investment properties.

The next question to be addressed was that of cost which might be incurred by Revenue Canada if the federal government were to adopt the above proposals in principle. For that purpose, the coalition retained the chartered accountants firm of Arthur Andersen & Co. That firm's conclusions on the subject of MURB's had been very influential in prompting the Canadian construction industry's scepticism about tax measures. The firm proceeded to calculate how a variety of formats (each of which promoted the objectives above) would affect Revenue Canada.

The firm looked only at gross cost (i.e. the drain on Treasury before any costs were recouped through increased salaries etc.). The average cost was in the vicinity of \$200 million over a three-year period, and \$1.5 billion over a ten-year period. When measured against the likely impact on the GNP, the firm predicted that the proposals would enjoy an "acceptability" quotient at Finance Canada of "high". The firm also

measured the proposals against standard Finance Canada criteria of simplicity, consistency, targeting, cost limits and ease of administration. Again, most formats would enjoy a Finance Canada quotient of "high." These conclusions were similar to those of an earlier report by Woods Gordon, which was commissioned by Environment Canada to look specifically at some proposals affecting designated heritage properties. Woods Gordon had used the same criteria, and again had predicted that the "acceptability" quotient at Finance Canada would tend to be "high."¹⁵

These refer to gross costs only. As far as net costs were concerned, the coalition's research indicated an even more intriguing situation. The U.S. General Accounting Office (their equivalent to the Auditor General) had reported that for every dollar foregone by Treasury, some twenty dollars of investment had been generated.¹⁶ This was one of the best cost-benefit ratios available for any government program.

Precedent in Canada also pointed to a relatively high rate of cost recuperation by Treasury. The reason for this was unexpected. An unusually large proportion of rehab firms now operate "under the table."¹⁷ Experience indicated that a large part of government costs are recouped when shady firms are compelled, by a government program, to either play by the rules (including paperwork for Revenue Canada) or concede the market to more reputable firms. For example, Quebec's Corvée Habitation and Loginov programs were reputed to have cost that government almost nothing in net terms, due, in part, to this idiosyncrasy.¹⁸

Assembly of the coalition's basic research was completed in the final days of 1986. The project was difficult, because many of the figures are based upon tentative estimates. For example, there were no definitive figures on the actual size of the Canadian building stock, or even the size of the Canadian rehab industry. Even the rough estimates that existed are subject to some debate. For example, the February 1987 Statistics Canada figures on the size of the rehab industry may be low, since they are based on questionnaires returned by accountants who (for tax reasons) prefer to relegate expenses to "repair" rather than to capital account on a rehab project.

Prognosis

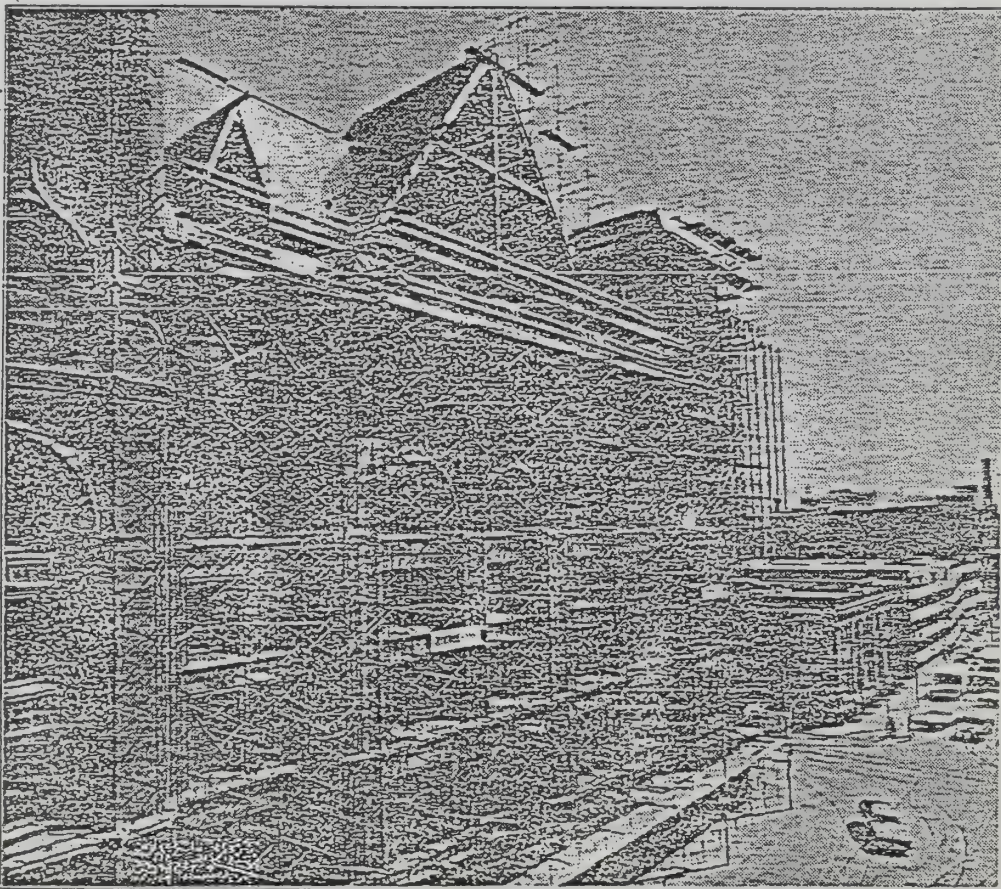
However, even when one makes allowances for these difficulties, the picture appears

strongly favourable to a better treatment for rehab. Rehab not only offers a variety of theoretical attractions to government strategists, the actual track record of such measures elsewhere (and of scaled-down comparable measures in Canada) are equally supportive.

The question is, therefore, whether the government of Canada will agree, in principle, to a policy consistent with the coalition's objectives. On three occasions (1968, 1972 and 1976), UNESCO called upon its member states to do so.¹⁹ The Federation of Canadian Municipalities adopted similar resolutions in 1979, 1983,

to focus long enough on the issue, the statistics would speak for themselves and a positive outcome would ensue.

In short, the coalition must now compete for the government's time. The research phase of the coalition's activity is largely complete, but the next phase (i.e. attracting the government's attention) will require perhaps even greater effort. The current debate over tax reform represents the largest reorganization of Canadian budgetary and fiscal policy since the Carter Commission in the late 1960's; as such, the government's time will be at a premium.



Confederation Life Building, Toronto, Ontario

Photo by J. Neil Newton, Toronto

1984 and 1986. Various individual cities, such as Toronto, Vancouver, Winnipeg, and Halifax have also issued calls for action.²⁰

The next few months could be decisive for the future of Canada's older building stock and, by the same token, for the face of urban Canada. Any government initiative would need to be compatible with the White Paper on tax reform, but that is not foreseen to be a significant challenge. If anything, the largest single challenge at this time of frenetic fiscal debate will be to get the government's attention. It is felt, in many circles, that if the coalition can merely persuade the government

To meet this challenge, the coalition has called upon its constituent national groups to use their influence and prestige to "show the flag." Furthermore, initial contacts have now been made in seven provinces and one territory to recruit regional and local support. That initiative, however, is still in the embryonic stage. It is expected to gather momentum when the coalition's short audio-visual production on this subject (produced this spring) is distributed across Canada.

Summary

In summary, the current rethinking of Canada's budgetary and fiscal priorities has

fresh look at how we treat our older building stock. The door is open for a policy on how to capitalize on that building stock - that is, a policy which, inexplicably, Canada has never had before. The Buildings Revival Coalition represents a highly diverse set of interests which share a common goal of filling that vacuum. The two-pronged policy which they hope to introduce would: a) restore bottom-line parity to the treatment of investments in Canada's older building stock; and b) provide further improvements to the bottom-line for designated heritage properties.

The first goal could conceivably improve the bottom-line for some 200,000 older investment properties in Canada. The second goal would affect less than 10,000 buildings, but these include many of the most high-profile buildings in Canada. In both cases, the long-term consequences for the urban landscape, particularly in medium-sized communities, could be profound. Last, but not least, these consequences would be delivered via a partnership of initiatives and money coming partly from the public sector, but mostly from the private sector.

It is hoped that the government will now make it its business, to analyse the prospects carefully, with a full appreciation of the stakes involved.

NOTES

1. The figure of \$114.9 billion was provided by Statistics Canada, and it represents current dollars as of 1985. The full set of figures was reproduced in Vol. III of the coalition's report entitled Building Rehabilitation and National Economic Priorities: For Economic Renewal. Photocopied. Ottawa, 1987.

2. Statistics Canada produced a figure of \$26.4 billion for rental residential, and \$28.1 billion for private sector non-residential; see footnote 1.

3. This figure was produced by Arthur Anderson & Co., commissioned by the coalition. The full calculation is found in Vol. II of the coalition's report, cited in footnote 1.

4. The methodology for reaching this figure is described on p. 25 of the 1st volume of the coalition's report, *op. cit.* At the time of writing, CMHC was expected to produce Canada's first set of official figures on the size of the industry; it was expected that these figures would be lower (in the vicinity of \$16 billion). However, this lower figure could be explained by the fact that it was derived from the reports of accountants who, for tax reasons, would be inclined to downplay renovation expenses (which are not tax-deductible) in favour of maintenance expenses

when one compensates for this tendency, the \$18 billion figure is a reasonable estimate.

5. According to extrapolations derived from the National Home Builders Association (Washington), the U.S. renovation industry is tentatively evaluated at \$230 billion annually (U.S.). This translates into \$330 billion (Can.). Assuming a 10-1 population ratio, one would therefore expect a Canadian industry at an annual level of \$33 billion.

6. The figures are outlined by Canada Mortgage & Housing Corporation in The Canadian Renovation Market. CMHC, Ottawa 1986. "Renovation is twice as labour intensive as new construction and yields 27.8 direct jobs per million dollar expenditure on renovation, compared to new construction which is material intensive and produces just 12.8 direct jobs per million dollars expenditure." (p. 28).

7. See *Ibid.* The advantage of the construction industry over the manufacturing sector, in terms of job creation, is also described in A Preliminary Report on Employment Impacts (Employment & Immigration Canada, Labour Market Studies Division, 1984); see also the figures from Clayton Research Associates published by The Toronto Star (article by Dennis Grayhurst), February 1, 1984.

8. This is based upon the figures from CMIIC (*op. cit.*) to the effect that each million dollar expenditure in renovation creates 59.5 direct and indirect jobs. An extrapolation of these figures gives a slightly under 300,000 jobs for a \$5 billion increase in expenditure in this sector

9. Manitoba Department of Finance, An Overview of Proposals for the Renovation of Heritage Structures in Manitoba, Winnipeg, 1983. pp. 15-16.

10. Government of the United States, Advisory Council on Historic Preservation, The Contribution of Historic Preservation to Urban Revitalization, Washington, 1979.

11. See Government Finance Review, Chicago, February 1986. p. 8.

12. The case study of Oregon was produced at the Centre for Preservation Policy Studies, Policy Research Reports. National Trust for Historic Preservation, Washington, 1986.

13. For example, although Ontario has 35% of the Canadian population, it reaps 47% of the benefits from Canadian manufacturing investment: see Preliminary Report on Employment Impacts, *op. cit.*, p. 24.

14. Quoted in Historic Preservation Law. N. Robinson, ed. Practising Law Institute, New York 1982. p. 117.

15. Woods Gordon, Environmental Implications of the Fiscal System. Final report to Environment Canada, Ottawa, 1986.

Official Report to Congress, March 29th, 1984.

17. The prevalence of "unfair competition from incompetent or unscrupulous firms" was cited as one of the largest single problems facing the renovation industry: see the Canadian Renovation Market, *op. cit.*, p. 19.


18. This view was expressed in correspondence from the Quebec Housing Corporation (Société d'Habitation du Québec).

19. In 1968, the general conference of United Nations Educational, Scientific and Cultural Organizations (UNESCO) unanimously adopted a Recommendation Concerning the Preservation of Cultural Property Endangered by Public or Private Works. This Recommendation called for "favourable tax rates, grants, loans or other measures" for cultural property (Article 17). In 1972, the same body adopted a Recommendation Concerning the Protection, at National Level, of the Cultural and Natural Heritage, which called for "tax concessions on such expenditures, or grants or loans on favourable terms". (Article 51). In 1976, the same body unanimously adopted a Recommendation Concerning the Safeguarding and Contemporary Role of Historic Areas, calling for "grants, subsidies, loans at favourable rates or tax concessions" (Article 40). The Canadian delegation joined in voting for all of these recommendations. The consolidated recommendations and related treaties are found in Conventions and Recommendations or UNESCO Concerning the Protection of the Cultural Heritage. UNESCO, Paris, 1983.

20. In fact, Toronto has passed a series of resolutions on this point going back to 1979. Most recently, however, resolutions specifically pertaining to the Buildings Revival Coalition were passed by Vancouver in June 1986, and by Toronto and Halifax in February 1987.

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SECTION 3 OF THE PLANNING ACTPolicy Statements

1. The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.
2. Before issuing a policy statement, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed statement.
3. Where a policy statement is issued under subsection (1), the Minister shall cause it to be published in The Ontario Gazette and he shall give or cause to be given such further notice thereof, in such manner as he considers appropriate, to all members of the Assembly, to all municipalities and to such other agencies, organizations or persons as he considers have an interest in the statement.
4. Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement.
5. In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under Subsection (1).



JUL 17 1987

7a.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W. Vyce, Director of Property DATE 1987 July 16
Name & TitleFOR ACTION ☒ FOR INFORMATION ☐ File No. (2738)TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
CommitteeSUBJECT

Sale - Lot 17, Plan M-227 - Hamilton Industrial Park No.1
Nebo Road - 723485 Ontario Limited

RECOMMENDATION

That an Offer to Purchase the lands of The Corporation of the City of Hamilton, Lot 17, Plan M-227 located on Nebo Road, duly executed on July 15, 1987 by the Purchaser, 723485 Ontario Limited and scheduled for closing on October 2, 1987 be approved and completed.

Note: The purchase price is \$97,140.00. A deposit cheque in the amount of \$9,714.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the western limit of Nebo Road, having a frontage of 201 feet by a depth of 405.68 feet/433.31 feet and containing an area of 1.9428 acres.

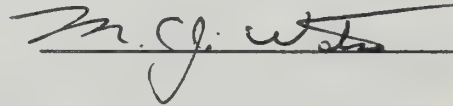
This Offer to Purchase is conditional upon the following conditions being met prior to closing:

- (1) That the Vendor will obtain a Zoning Verification Certificate that will indicate that the Purchaser's proposed uses are allowed on the subject lot.
- (2) That the Purchaser will obtain at its own expense a soil test confirming that the subject land will support the construction of the building proposed to be constructed by the Purchaser.
- (3) That the Purchaser will have obtained site plan approval and a building permit allowing the construction of the building proposed to be built by the Purchaser on the subject lands.

RECOMMENDATION - Continued...

- (4) Failing the satisfaction of any one or all of these conditions this Offer shall be null and void and the deposit shall be returned to the Purchaser without interest or deduction.
- (5) The aforesaid conditions are included for the benefit of the Purchaser and may be waived by it.
- (6) It is understood and agreed that the Vendor upon closing of this transaction will pay a 5% Real Estate Commission to Chambers & Company Limited, whose agent Mr. M.A. Blair acted in this matter.

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.



BACKGROUND

The department has received an inquiry from Mr. M.A. Blair of Chambers & Company Limited, Realtors, agent for 723485 Ontario Limited of Guelph, Ontario, as to the possibility of purchasing a 1.9428 acre lot on Nebo Road. The purchaser plans to build a 16,000 square foot building primarily for refrigerated warehousing and will employ some 15-20 employees.

Attch.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

6.1. The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of square feet, upon the hereinbefore described land by not later than

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.

Continued.....1(b)

4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

OFFER TO PURCHASE

I/We 723485 ONTARIO LIMITED of the City of ~~Hamilton~~ ^{Guelph}
County of Wellington
in the ~~Regional Municipality of Hamilton-Wentworth~~ hereinafter called the Purchaser,
hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,
hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises
situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth
and being composed of Parts of Lots 3/^{and 4} Concession 8, formerly in the Township of Barton, said
parcel of vacant land having a frontage along the westerly limit of Nebo Road of 201' by a
depth of 405.68'/433.31' and containing an area of 1.9428 Acres, more particularly described
as Lot 17, Plan M-227 as shown in heavy outline on the attached plan.

at the price of NINETY-SEVEN THOUSAND, ONE HUNDRED & FORTY DOLLARS (\$ 97,140.00-----)
of lawful money of Canada, payable as follows:-

- (a) A deposit of NINE THOUSAND, SEVEN HUNDRED & FORTY-FOUR DOLLARS (\$ 9,714.00-----)
by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely EIGHTY-SEVEN THOUSAND, FOUR HUNDRED-----
AND TWENTY-SIX-----DOLLARS (\$ 87,426.00-----)
with interest as hereinafter provided, and subject to
adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:-

- 1. This Offer shall be irrevocable by the Purchaser and may be accepted by the
Vendor up to but not after the 4th day of August 1987, by *W.B.*
a letter mailed or delivered to the Purchaser at c/o Mr. B. A. Gray, Barrister &
Solicitor, 5 Douglas Street, Guelph, Ontario, N1H 6J9
- 2. In the event that this Offer is not accepted, this Offer and everything herein
contained shall be null and void and no longer binding upon any of the parties
hereto and the deposit shall be returned by the Vendor without interest and the
Vendor shall not be liable for any damages or costs.
- 3. In the event of and upon the acceptance of this Offer, this Offer and the letter
of acceptance shall be a binding contract of purchase and sale and shall be
completed in accordance with the terms hereof.
- 4. The title is good and free from all encumbrance, except as to any registered
restrictions or covenants.
- 5. The Purchaser is not to call for the production of any title deeds, abstract or
evidence of title except such as are in the possession of the Vendor.
- 6. The Purchaser is to be allowed thirty days from the date of acceptance of such
Offer to examine the title at his own expense. If within that time any valid
objection to title is made in writing to the Vendor, or its Solicitor, which the
Vendor shall be unable or unwilling to remove and which the Purchaser will not
waive, the contract arising out of the acceptance of this Offer shall,
notwithstanding any intermediate acts or negotiations in respect of such
objections, be null and void and all monies shall be returned by the Vendor
without interest and it shall not be liable for any damages or costs. Save as
to any valid objection so made within such time the Purchaser shall be
conclusively deemed to have accepted the title of the Vendor to the real property.

- 6.1 The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the grant to him:
- (a) to pay municipal, realty and business taxes;
 - (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
 - (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
 - (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
 - (e) to pay building permit application fee;
 - (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
 - (g) to pay for the connection of all utilities to the premises;
 - (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
 - (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
 - (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.
- 6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.
- 6.3 In consideration for the grant of the hereinbefore described land to the grantee, in addition to payment of the sale price to the grantor, the grantee covenants and agrees to and with the grantor:
- 1. That the grantee shall commence construction of a building, having a minimum building area of 16,000 square feet, upon the hereinbefore described land by not later than March 2, 1988
- Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.
- 2. That the grantee shall complete construction of the said building not later than March 2, 1989
- The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.
- 3. In the event that the grantee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the grantee covenants and agrees that the grantee shall sell the lands to The Corporation of the City of Hamilton, free and clear

Continued.....1(b)

of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the City, for the sale price herein, (without any interest) - less (a) the herein deposit; (b) the commission paid (if any) by the City to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.

- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the deed to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

7. This transaction shall be closed on or before the 2nd day of September 19 87 subject to paragraph 17.
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of ^{wrongful} failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.
16. It is understood and agreed that the Vendor upon closing of this transaction will pay a 5% Real Estate Commission to Chambers & Company Limited, whose agent Mr. M.A. Blair acted in this matter.
17. This offer to purchase is conditional upon the following conditions being met prior to closing:-
1. That the vendor will obtain a zoning verification certificate that will indicate that the purchaser's proposed uses are allowed on the subject lot.
 2. That the purchaser will obtain at its own expense a soil test confirming that the subject land will support the construction of the building proposed to be constructed by the purchaser.
 3. That the purchaser will have obtained site plan approval and a building permit allowing the construction of the building proposed to be built by the Purchaser on the subject lands.
- Failing the satisfaction of any one or all of these conditions this offer shall be null and void and the deposit shall be returned to the purchaser without interest or deduction.
- The aforesaid conditions are included for the benefit of the purchaser and may be waived by it.

Dated at GUELPH this 15th day of JULY, 1987.

SIGNED, SEALED AND DELIVERED)

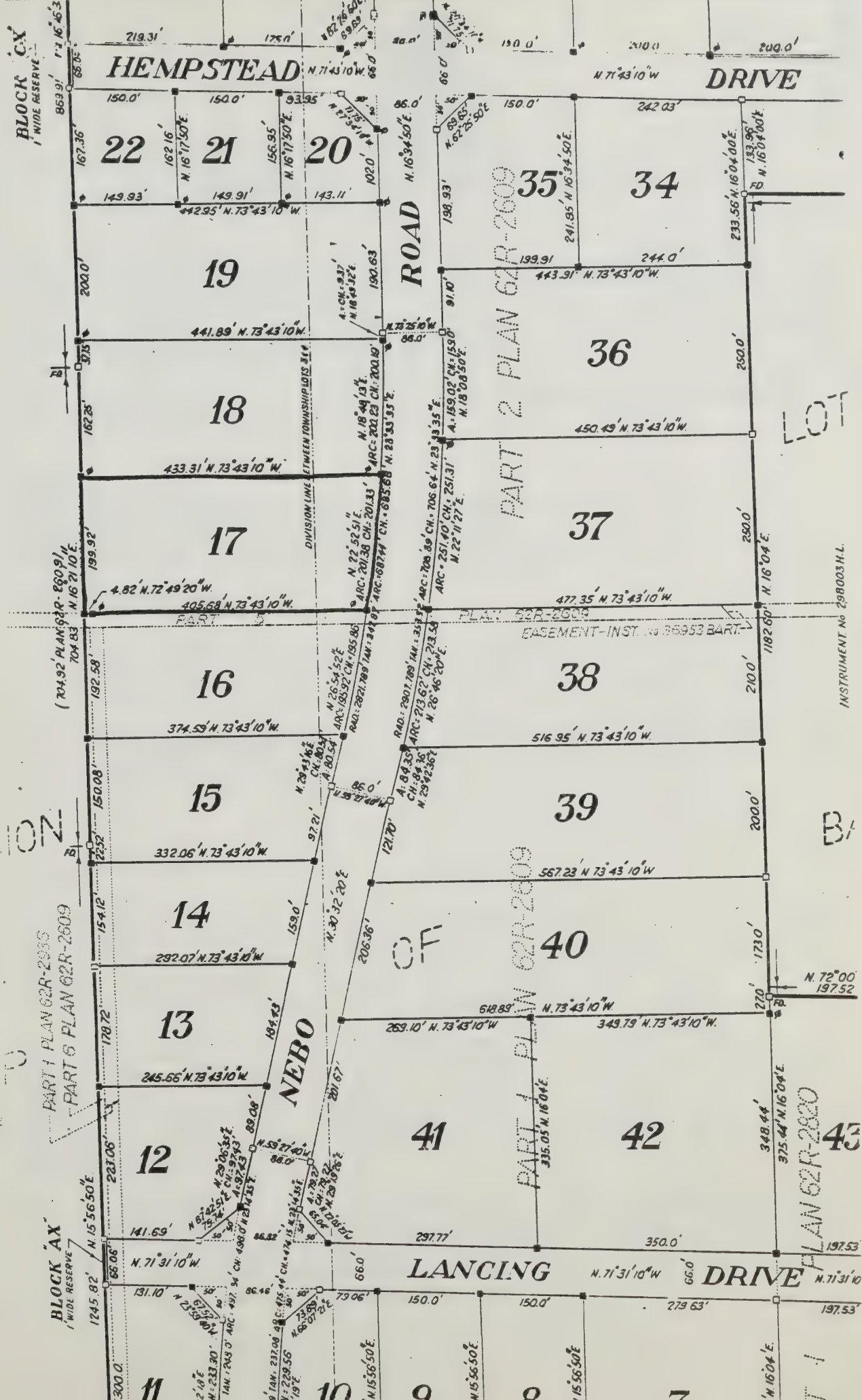
In the Presence of)

723485 ONTARIO LIMITED

Per:)

(seal)

Name of Purchaser's Solicitor
Bruce A. Gray, Vorvis, Anderson & Gray
5 Douglas Street, Guelph, Ontario.
N1H 6J9 (519) 824-7400





7b.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W. Vyce, Director of Property DATE 1987 July 22
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 40.15.57(4504)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Extension of Closing Date - City Sale to
Ironwood Design and Construction Ltd.
Parts 9 & 10, Plan 62R-6932 - 35 Keefer Court

RECOMMENDATION

1. That the closing of the transaction dated February 3, 1987 between Ironwood Design and Construction Ltd. and the City of Hamilton be extended to November 25, 1987.

Time is to remain of the essence of the agreement and all other terms and conditions of the agreement are to remain the same.

M. G. Wyke

for the City of Hamilton

BACKGROUND

In adopting Item 9 of the 4th Report of the Planning and Development Committee, City Council on February 24, 1987 authorized the sale of Parts 9 and 10, 62R-6932 (35 Keefer Court) to Ironwood Design and Construction Ltd. This transaction was scheduled to close on July 24, 1987.

In adopting Item 8 of the 4th Report of the Planning and Development Committee, City Council on February 24, 1987 authorized the sale of Parts 7 and 8, 62R-6932 (29 Keefer Court) to Delamar Investments Inc., a sister company to Ironwood Design. This transaction was scheduled to close on November 25, 1987.

The principle of both companies, Mr. Rob Martin has been attempting to obtain a client for the 35 Keefer Court site; however, subsequently he was successful in finding a client for the 29 Keefer Court site which is not to be completed with the City until November 25, 1987.

BACKGROUND - Continued...

Mr. Martin is inquiring as to the possibility of switching the closing dates on both properties, namely, Ironwood Design and Construction Ltd. (35 Keefer Court) would be completed on November 25, 1987 and Delamar Investments Inc. (29 Keefer Court) would be completed on or before July 31, 1987.

c.c. - Mr. K.A. Rouff, City Solicitor
Attention: Ms. S. Light

- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

F O R A C T I O NFROM Department of EngineeringDATE July 8, 1987TO Planning & Development CommitteeRefer to File No. S714-08Attention Of K.A. Brenner

Your File No. _____

SUBJECT

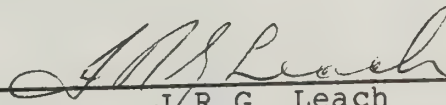
"NASH ORCHARD HEIGHTS WEST", Hamilton
(5% Parkland Dedication)

RECOMMENDATIONS

It is recommended that:

- 1) The Corporation of the City of Hamilton acknowledges that the Developer is transferring a total of 1,805.07m² of parklands and open space lands, as partial fulfillment of the 5% Parkland dedication requirement for the "Nash Orchard Heights West" subdivision, and
- 2) The City subdivision agreement for "Nash Orchard Heights West" make provisions to hold securities totalling \$110,000.00, being the market value of the remaining portion of the 5% Parkland dedication requirement which is 1,540.28m². The said securities are to be held until 1990. At that time the Developer will either transfer to the City lands equal to the deficient parkland area of 1,540.28m² or make a cash payment of \$110,000.00 in lieu of dedicating the said lands.

NOTE: The Developer has an option to purchase the "Nash Orchard Heights South" plan of subdivision which he hopes to develop in 1990..



J.R.G. Leach
Commissioner of Engineering

BACKGROUND

The owners of the lands (Rymal Developments 1986) for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A sketch showing the location of this development is attached for the Committee's information.

Cont'd.....

-page 2-
July 8, 1987

"NASH ORCHARD HEIGHTS WEST", Hamilton
(5% Parkland Dedication)

Cont'd.....

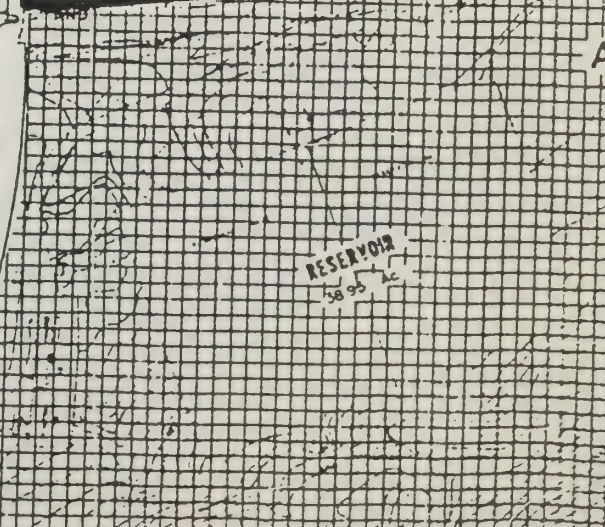
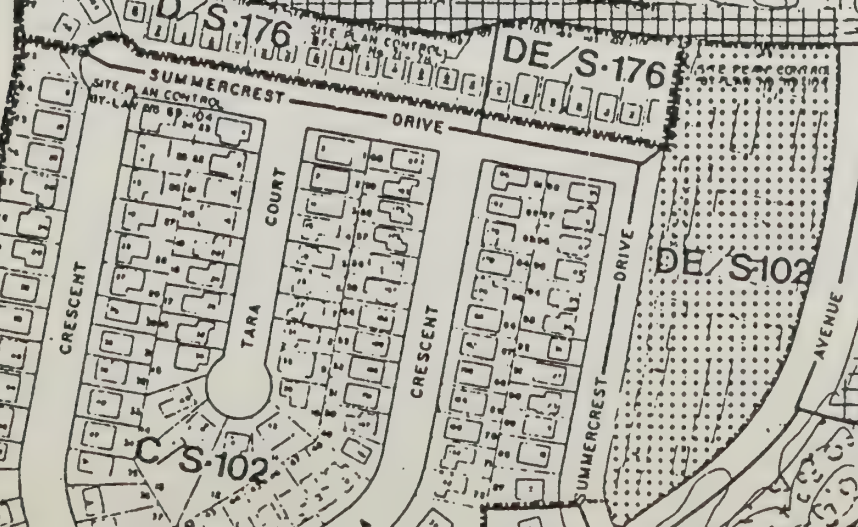
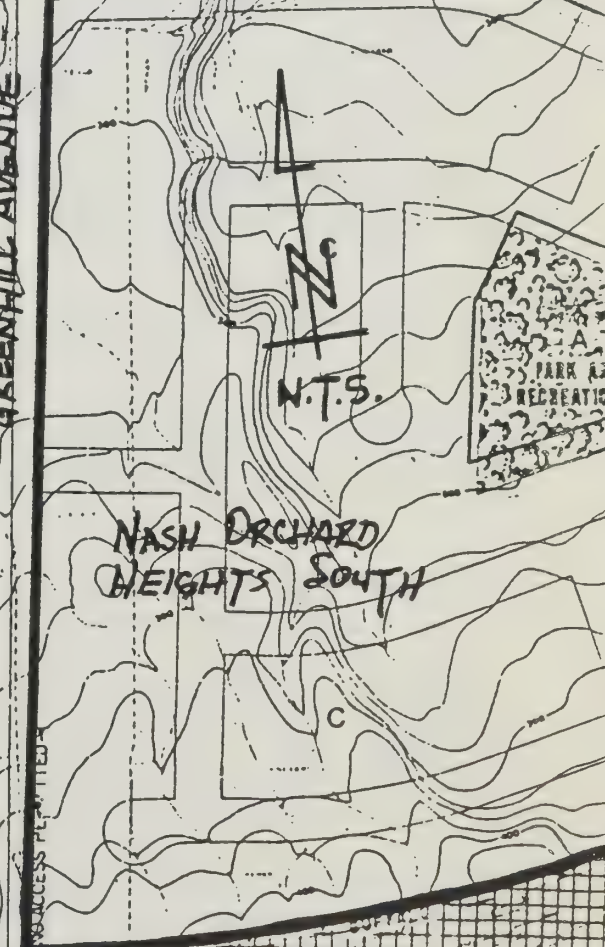
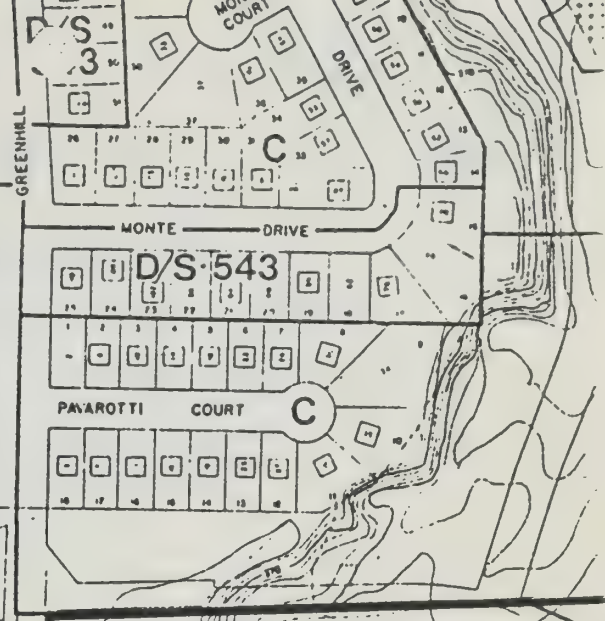
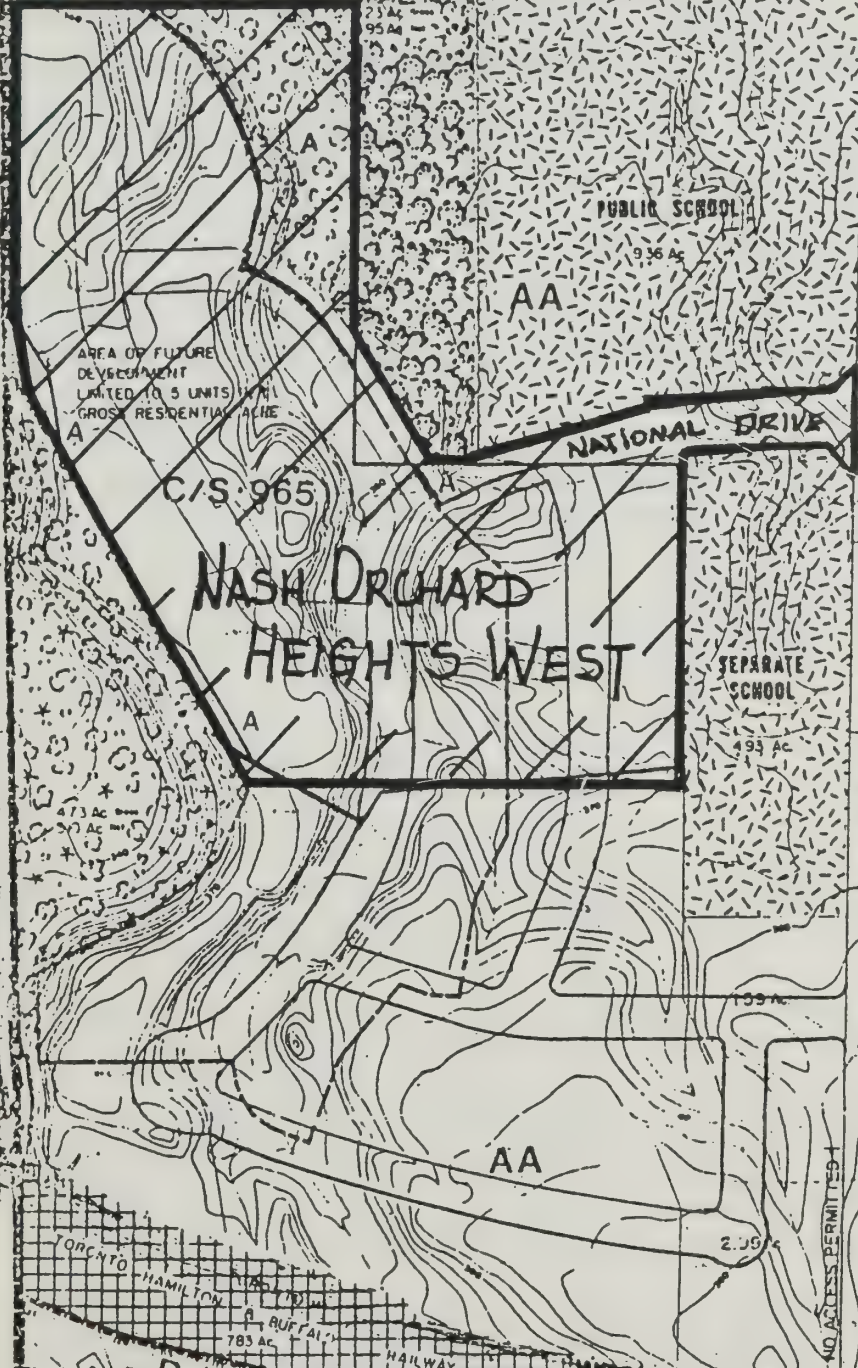
The approved Draft Plan conditions for this subdivision require the Developer to convey certain parcels of land to the City of Hamilton for park purposes. The area of these lands total 855.70m². There is also an additional block of land to be transferred to the City as open space lands. The area of this Block is 7817.54m². However, the Real Estate Department has stated that since these lands are undevelopable, they cannot be considered as having equal value as lands normally required for park purposes. The undevelopable lands are to be considered as having a value of one-fifteenth of that of table lands which are accepted as suitable parklands. The credit to be used for the undevelopable lands is 521.17m². Finally, the Developer has a parkland credit balance of 428.20m² remaining from the subdivision known as "Nash Orchard Heights North", Plan 62M-480. Therefore, the total credit of lands the Developer has to be used towards the 5% Parkland dedication requirement for the subdivision is 1,805.07m². The total area that the Subdivider is required to dedicate to the City for the 5% Parkland requirement totals 3,345.35m². As a result, the Developer is 1,540.28m² short of the required area.

The Developer has an option to buy, in 1990, the proposed subdivision called "Nash Orchard Heights South". Within this plan is a parcel of land designated for park purposes. The area of this parcel exceeds the 5% requirement for the "Nash Orchard Heights South" plan, and in fact, the excess would be sufficient to cover the deficit area in the "West" plan. The Developer has assured staff that they will be exercising their option to purchase the "South" lands in 1990 and will provide all the parklands required by the City.

However, to cover the shortcomings of the parkland requirements for the "West" plan, the Developer has suggested that he would post a letter of credit with the City equal to the market value of the parklands which are owing for the "West" plan. The letter of credit is to be held until 1990. At that time, the Developer will either transfer the parklands in the "South" plan to the City to fulfill this requirement, or pay the City cash equal to the value of the deficit lands plus appropriate interest from 1987 to 1990. The Real Estate Department has determined that the estimated market value of the deficit area (1,540.28m²) plus interest is \$110,000.00. Provisions will be made in the subdivision agreement to hold the securities for the deficit parklands until 1990. Staff are in agreement with this proposal and are recommending that it be accepted.

DVC:cc

cc: R. Buckle, Real Estate Department



F O R I N F O R M A T I O N

FROM Department of Engineering DATE July 7, 1987
TO Planning and Development Committee Refer to File No. E200-01
Attention Of K. A. Brenner
Your File No. _____

SUBJECT

Connection of roof leaders to storm sewers.

BACKGROUND

Your Committee directed the Engineering Department in June to report to your Committee on the matter of roof leader connections. The following are our comments.

The Ontario Building Code, which is applicable to the construction of buildings in Hamilton, does not require the installation of eavetroughs.

The Region's sewer by-law does not deal with the subject because it is a Area Municipality responsibility.

The City of Hamilton By-laws do not require the connection to a storm sewer. The Health By-law, which states that an area must be drained, was taken by some people as requiring the connection of roof leaders to the storm sewer, which is not the case.

The result of the above legislation is that a land owner may install eavestroughs and may connect them to a Regional storm sewer.

The above described arrangement is reasonable because it permits owners to discharge roof water onto the ground to reduce overloading of sewers and possible basement flooding, while generally not causing a problem to the abutting land owners. The erosion problem occurring during construction can be resolved by various means if necessary.

The City could likely pass a by-law requiring all roof leaders to be connected to storm sewers. This however, would, in our opinion, not be desirable for the following reasons:

It would be a nuisance to enforce on garages and other small buildings.

It would be most unreasonable to force a land owner in a combined sewer area to connect his roof water to the sewer and thereby increase the amount of basement flooding in his own basement if his building is located in a flood prone area.

Cont'd.....

Connection of roof leaders to storm sewers

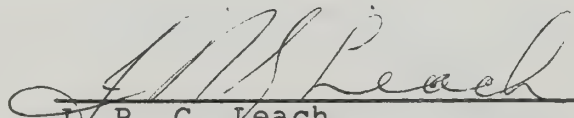
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The City undertook, at the request of the Conservation Authority, a few years ago a study which was adopted by the City. One of the recommendations in the study was not to force owners to connect roof leaders to the storm sewers. This recommendation was based on the Authorities desire to reduce erosion in Red Hill Creek.

Lastly, but the most important reason, is that as the development in the City spreads to the Twenty Mile Creek and Ancaster Creek watersheds, the City will have to concern itself with reducing the storm water run-off peaks. Up to now the City had the fortune and the foresight to purchase the entire valleys for storm water run-off and use the harbour and lake as a buffer. This luxury will not be available in the other areas. One of the techniques to reduce the peak flows is to discharge roof leaders to grassed areas.

CONCLUSION

The present requirement, which is flexible and gives the owners a chance to connect or not is reasonable considering the existing and proposed development in Hamilton.



J. R. G. Leach
Commissioner of Engineering

8 KAB:cc

FOR ACTION

91a.
JUL 24 1987

FROM K. A. Rouff, City Solicitor
Chairman and Members
TO Planning & Development Committee
Attn: Mrs. S. K. Reeder,
Acting Secretary

DATE 1987 July 23
Refer To File No. _____
Attention Of P.M. Eker
Your File No. _____

SUBJECT

Hiring an Outside Planning Consultant.

RECOMMENDATION

That the City Solicitor be authorized and directed to hire an outside Planning Consultant to give evidence at the Ontario Municipal Board Hearing in support of City Council's denial of ZA-86-113, to rezone the property at No. 828 Fennell Avenue East from "C" to "H", as set out in Item 8 of the 8th Report of the Planning & Development Committee, adopted by Council on April 28, 1987.

[Handwritten signature]

BACKGROUND

1. The owner of the above premises has given the City notice of appeal against Council's decision of April 28, 1987 to deny the rezoning of the premises at No. 828 Fennell Avenue East. No date for an Ontario Municipal Board Hearing has as yet been set.
2. On April 28, 1987, City Council did not adopt the recommendation of the Planning and Development Committee that the land at No. 828 Fennell Avenue East be rezoned from "C" (Urban Protected Residential, etc.) district to "H" (Community Shopping and Commercial, etc.) district, for the following reason: "it is inappropriate development for the area."
3. The Planning and Development Department in its Report dated April 15, 1987, recommended approval of the rezoning. I have been informed that the Planning staff is not prepared to support Council's decision. Attached is a copy of a memo dated July 22, 1987 from Mr. V.J. Abraham.
4. In view of the need for Planning evidence to support Council's decision, it will be necessary to hire an outside Planning Consultant.

Attach
c.c. Mr. V. J. Abraham,
Director of Local Planning



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

July 22, 1987

Refer to File No.

ZA-86-113

Attention of

Your File No.

Mr. Paul Eker
City Solicitor's Department

Dear Sir:

Re: OMB Hearing
Nicolo Pepe, owner
828 Fennell Avenue East

RECEIVED

JUL 23 1987

LEGAL DEPARTMENT
THE CORPORATION OF
THE CITY OF HAMILTON

In response to your memo concerning the above, please be advised that the Planning and Development Department cannot support Council's decision to deny the application.

Therefore, it will be necessary for you to hire an outside consultant. Please inform us if you need any assistance in selecting a consultant.

Yours truly,


V. J. Abraham, M.C.I.P.
Director of Local Planning

JH/jd

JUL 23 1987

10a.

THE CORPORATION OF THE CITY OF HAMILTON

FROM E. C. Matthews, Treasurer DATE 1987 July 22
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. _____

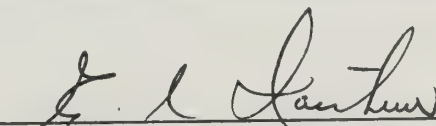
TO: CITY COUNCIL ☐ (OR) Planning & Development ☒
Committee

SUBJECT

Release of Holdback.

RECOMMENDATION

That total holdback in the amount of \$88,712.27 be released to Delta Ready Mix Ltd. for the Substantial Performance of the contract, P. O. 23340, for road and sidewalk reconstruction for the Downtown Action Plan Phase IIIB pending receipt by the Treasury Dept. of the necessary release forms from the contractor and City Solicitors' Dept.


E. C. Matthews, Treasurer

BACKGROUND

This contract was approved by Council June 24, 1986 in the amount of \$935,750.00. The project was Substantially Performed as of May 1, 1987 for \$88,712.23 and a balance of \$45,627.23 remains outstanding for finishing work if necessary. The 45 day lien period has expired and I am recommending release of the holdback at this time .

11.

F O R A C T I O N

FROM Planning and Development Department
TO Planning and Development Committee

DATE July 29, 1987
Refer To File No. ZA-87-58
Gershome Neighbourhood
Attention Of V. J. Abraham

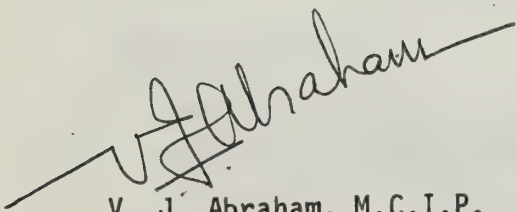
SUBJECT

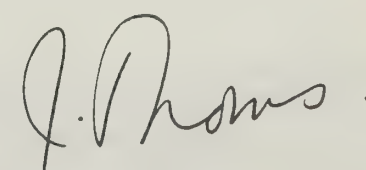
Request for a change in zoning from "G" (Neighbourhood Shopping Centre) District, modified, to "HH" (Restricted Community Shopping and Commercial, etc.) District for the property located at No. 2774 and 2794 King Street East. The purpose of the proposed rezoning is to permit the development of the subject lands for a 4,273 m² (45,000 sq. ft.) commercial plaza which may accommodate such uses as restaurants and gas stations.

RECOMMENDATION

That Zoning Application 87-58, Tommar Construction Company, owner and prospective owner, requesting a change in zoning from "G" (Neighbourhood Shopping Centre) District, modified, to "HH" (Restricted Community Shopping and Commercial, etc.) District to permit the development of the subject lands for a 4,273 m² (45,000 sq. ft.) for the property located at No. 2774 and 2794 King Street East as shown on the attached map marked as Blocks "1" and "2" on APPENDIX "A", be denied for the following reasons:

- a) it is contrary to Council-adopted policy (approved Gershome Neighbourhood Plan) which prohibits highway uses such as restaurants, gas stations, etc., from locating on the subject lands;
- b) Block "2" does not comply with the Official Plan.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Tommar Construction Company, Ltd., owner and prospective owner.

LOT SIZE AND AREA

- o 209 m (685.7 ft.) of lot frontage;
- o 52 m (170.6 ft.) of lot depth;
- o 1.1 ha (2.7 ac.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single family dwelling	"G" (Neighbourhood Shopping) District
<u>Surrounding Lands</u>		
To the north	Single family dwellings, proposed ambulatory care facility	"AA" (Agricultural) District
To the south	Single family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Proposed gas bar, car wash	"HH" (Restricted Community Shopping and Commercial, etc.) District
To the west	Single family dwellings	"AA" (Agricultural) District

OFFICIAL PLAN

The subject lands are designated both "Residential" (Block "2") and "Commercial" (Block "1") on Schedule "A". Local commercial uses are permitted within the residential designation provided:

- o the site does not exceed 0.4 ha in size;
- o it serves the daily retail needs of the surrounding residents and is primarily dependent on pedestrian traffic.

Based on the above, the proposal does not comply with the "Residential" designation in the Official Plan. A site specific redesignation will be required to permit the proposal.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" in the Approved Gershome Neighbourhood Plan. In addition, there is a special provision on the lands which prohibits high traffic-generating uses. As such, the proposal does not comply with the Neighbourhood Plan.

BACKGROUND

o ZA-84-75 (By-law 86-204) (SA-85-22)

The lands shown as Block "1" were rezoned in 1986 (in conjunction with a subdivision plan) to permit medical/dental offices in addition to the uses permitted in the "G" (Neighbourhood Shopping Centre) District. Further, the By-law prohibits restaurants/refreshment rooms, storage garage and laundry/dry cleaning establishments.

o ZA-86-10 (By-law No. 86-230) (SA-86-09)

The lands shown as Block "2" were also rezoned in 1986 (in conjunction with a subdivision plan). The By-law permitted medical/dental clinics, a funeral home and a collection and distribution station for laundry or dry cleaning establishment as well as the uses permitted in the "G" District. The prohibited uses are the same as those included in By-law 86-204.

NASH HOUSE

On June 23, 1987, City Council voted in favour of granting the demolition permit for the Nash House which was a designated building under the Ontario Heritage Act.

COMMENTS RECEIVED

- o The Building Department, Hamilton Region Conservation Authority and the Traffic Department have no comments or objections.

- o The Hamilton-Wentworth Engineering Department has in part advised that:

"Any roadway improvements required on King Street as a result of this department approval may be at the expense of the applicant/owner. The details of these roadway improvements, if required, will be finalized at such time as detailed site plans are submitted.

The widening and channelization of the intersection of Greenhill Avenue and King Street may result in the possible construction of raised concrete median islands on King Street which may restrict access to the subject lands at some future date." (See attached letter for full comments.)

COMMENTS

- 1) Block "2" does not comply with the Official Plan.
- 2) The proposal cannot be supported for the following reason:
 - a) it is contrary to Council-adopted policy (Approved Gershome Neighbourhood Plan) which prohibits non-highway commercial uses, such as restaurants, gas bars, etc., from locating on the subject lands.

CONCLUSION

Based on the foregoing the proposal cannot be supported.

JH:cs
Attach.
WPDOC 0144P

AA

SITE PLAN CONTROL
BY - LAW 84-147

E-2/S-34

G/S-955
BLOCK 1

G/S 966
BLOCK 2

AA

CHERRYRIDGE

CLOSE

VIENNA

STREET

CHERRYRIDGE CLOSE

AA

LEGEND

BLOCK 1

BLOCK 2

SITE OF THE APPLICATION

ZA-87-58

APPENDIX A



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH

Received
JUN 30 1987

TO	STAFF	INIT.	INFO.	ACT.

ID#0068D (48)

June 25, 1987

TO: V.J. Abraham, Planning Department
FROM: K.A. Brenner, Engineering Department

RE: Zoning Application ZA-87-60 for a Change in Zoning from
"G-3/S820", "DE/S160", "DE/S297", to "G" District
Regulations for Properties at 985 Upper Ottawa Street and 5
Carson Street

TO	STAFF	INIT.	INFO.	ACT.
Refer to File No. E220-1203				
Attention of K.A. Brenner				
Your File No. ZA-87-60				
JH				
ADMIN.				

Please be advised that both public watermains and separate storm and sanitary sewers are available to service the subject lands.

According to our records, the road allowance widenings adjacent to Upper Ottawa Street, sufficient to establish the property line 15.24m (50 feet) from the centreline of the original Upper Ottawa Street road allowance, has previously been acquired as part of Block "B" on Plan M-89, Instrument No. 274263 A.B. as shown on Plan No. NS-2098 Surveys and Parts 4, 5 and 6 on Reference Plan 62R-2328.

Any works which may occur within the adjacent road allowances, as widened, must conform to the respective Streets By-Laws.

According to the preliminary site plans submitted by the applicant, a commercial entrance is proposed on Upper Ottawa Street, immediately north of Carson Drive. It is desirable that this entrance be relocated northerly and consideration be given for alternate access to Carson Drive. Further comments should be obtained from the City of Hamilton Traffic Department.

According to the approved Lisgar plan, these lands are designated for attached housing.

ALR/FAR:mc
Attach.

FROM Planning and Development Department

DATE July 28, 1987

TO Planning and Development Committee

Refer to File No. ZA-87-59
 RANDALL
 NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear portion of lands located at No. 1232 Upper Gage Avenue. The purpose of the proposed rezoning is to permit the development of the subject lands for 2 single family dwellings fronting on Rexford Drive.

RECOMMENDATION

That approval be given to Zoning Application 87-59, May Scriven, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for 2 single family dwellings fronting on Rexford Drive, for the rear portion of the lands located at No. 1232 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

- a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38B;
- c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear portions of the lands located at No. 1232 Upper Gage Avenue as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of the subject lands for 2 single family dwellings.

APPLICANT

May Scriven, owner

LOT SIZE AND AREA

- o 37.39 m (122.67 ft.) of lot frontage on Rexford Drive;
- o 47.09 m to 60.96 m (154.49 ft. to 200 ft.) of lot depth;
- o 1646.6 m² (17,724.5 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	townhouses	"RT-10" (Townhouse) District
to the south	vacant	"C" (Urban Protected Residential, etc.) District "AA" (Agricultural) District
to the east	single family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	single family dwellings	"R-4" (Small Lot Single Family Detached) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Single and Double Housing" in the approved Randall Neighbourhood Plan. The proposal complies.

BACKGROUND

The applicant has applied to sever the lands at 1232 Upper Gage Avenue into 3 parcels (H-74:87 and H-112:87; see Appendix "B" and "B-1"). The existing house fronting on Upper Gage Avenue will remain and two new parcels will be created fronting on Rexford Drive (site of the rezoning application). The severances are pending final approval of the zoning change.

COMMENTS RECEIVED

- o The Building Department, Traffic Department and the Hamilton-Wentworth Conservation Authority have no comments or objections.
- o The Hamilton-Wentworth Engineering Department has advised that:
"The applicant should be advised of a future road allowance widening to establish the property line 18.29 (60 feet) from the centreline of construction on Upper Gage Avenue (see attached letter for full comments)."

COMMENTS

- 1) The proposal complies with The Official Plan.
- 2) The proposal complies with the approved Randall Neighbourhood Plan.
- 3) The proposal merits consideration for the following reasons:
 - a) it is compatible with the surrounding residential development including single family dwellings to the east and west, and townhouses to the north;
 - b) it is an infill situation; and,
 - c) it complies with both the Official Plan and the approved Randall Neighbourhood Plan.
- 4) The matters of the Engineering Department will be conditions of the severance.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH/jd

W.P. DOC. 0420P (14-16)

PART OF LOT 7, CON. 7
IN THE
CITY OF HAMILTON

FILE NO.: H-74-87
DATE: APRIL 13, 1987
Scale: N.T.S.

Sheet 2 of 2

AVENUE

GAGE

UPPER

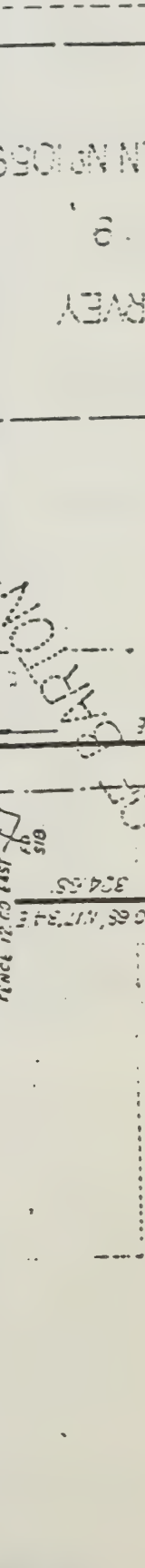
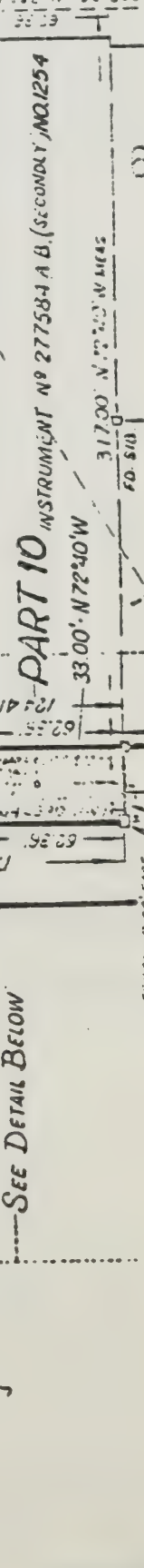
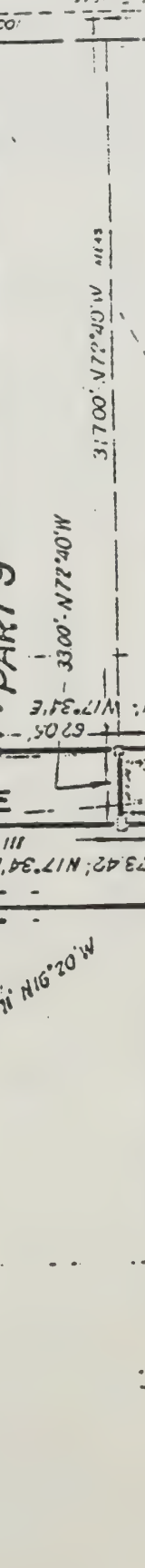
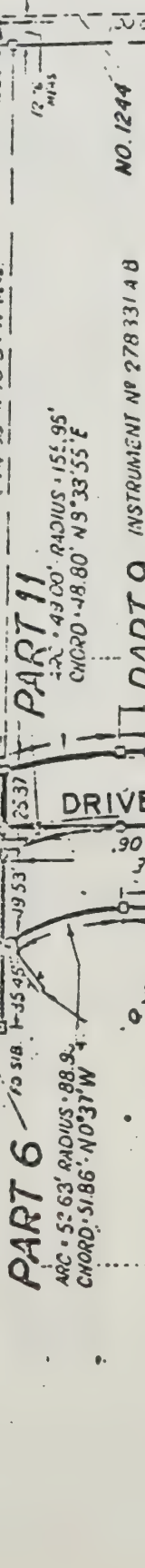
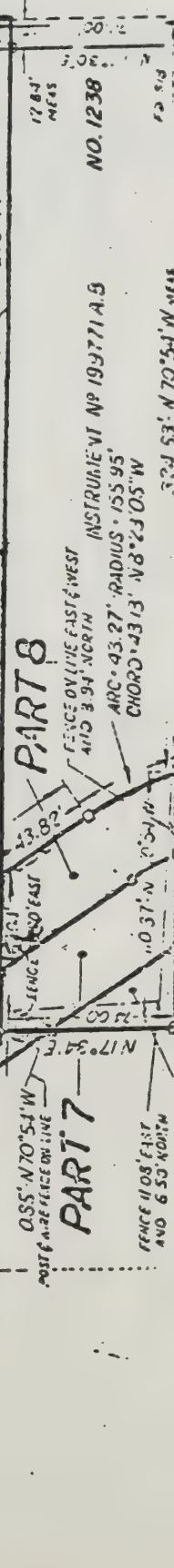
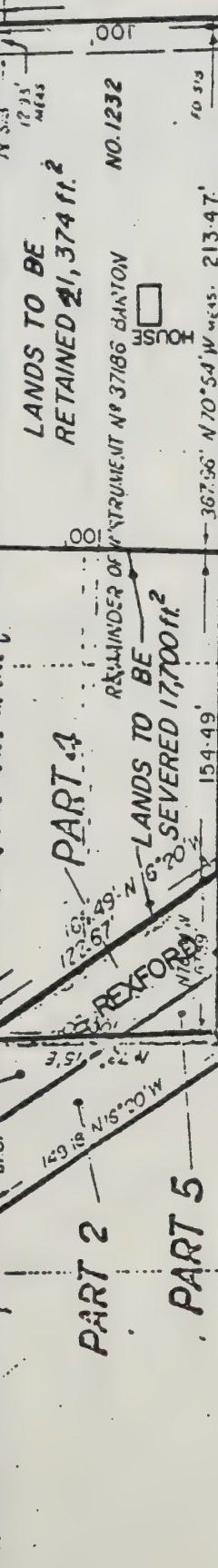
(727.07' N 71°04'50"W DIST. N° 7146A.B.)

PART 3

3,337' N 71°16'10"W MEAS.

POST AND WIRE FENCE ON LINE

POST & WIRE FENCE ON LINE



SEE DETAIL BELOW

IN THE
CITY OF HAMILTON

Sheet 2 of 21





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

(416) 526-4170

LOCAL TOWN ENGINEERING				
File No.		JUN 30 1987		
TO	STAFF	INIT.	INFO.	ACT.
DIR.				
PLN.				
DEV.				
ENG.				
STAFF				
CART.				
ADMIN.				

Refer to File No. E220-1801
Attention of K.A. Brenner
Your File No. ZA-87-59

ID#0068D(45)

June 25, 1987

TO: V.J. Abraham, Planning Department

FROM: K.A. Brenner, Engineering Department

RE: Zoning Application ZA-87-59 for a Change in Zoning from "AA" to "C" District Regulations for Property at 1232 Upper Gage Avenue

Please be advised that both public watermains and separate storm and sanitary sewers are available to service the subject lands.

The applicant should be advised of a future road allowance widening to establish the property line 18.29 m (60 feet) from the centreline of construction on Upper Gage Avenue. We also recommend, as a condition of zoning and severance applications, that the necessary steps be taken to lift the one foot reserve adjacent to Rexford Drive, shown as part of Block BX on Registered Plan No. M-177.

K.A. Brenner
ALR/FAR:mc
FR

13.

SUBJECT

RECOMMENDATION

- i) That the lands, shown as Blocks "1" and "2" from "DE" (Low Density Multiple Dwellings) District, modified, to "G" (Neighbourhood Shopping Centre) District;
- ii) That the lands shown as Block "3" be rezoned from "G-3" (Public Parking Lots) District, modified, to "G" (Neighbourhood Shopping Center) District;
- iii) That notwithstanding Section 13.(3)(ii), a minimum side yard of 3.0 m shall be provided.
- iv) That notwithstanding Section 18A(12)(a) a 6 m wide landscaped strip shall be provided along the southerly lot line, and the easterly lot line where the parking area abuts a residential district.

- v) That notwithstanding Section 18A(12)(c), the combination of a landscaped strip and visual barrier not to exceed a total height of 2.0 m, shall be provided along the southerly lot line, and the easterly lot line where the parking area abuts a residential district.
- vi) That no access shall be provided onto Carson Drive.
- vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59A be notated S- ;
- viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A;
- xi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- xii) That the Lisgar Neighbourhood plan be amended by redesignating the subject lands from "Attached Housing" to "Commercial".

EXPLANATORY NOTE

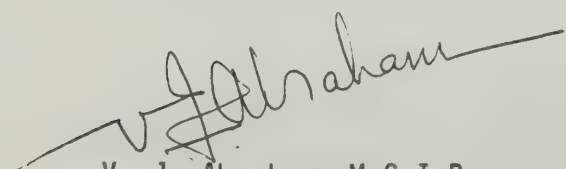
The purpose of the By-Law is to provide for a change in zoning for the property located at No. 985 Upper Ottawa Street and No. 5 Carson Drive, on the following basis:

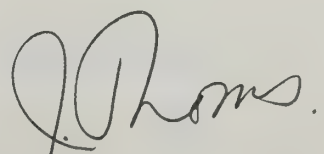
Blocks "1" and "2"	Change in zoning from "DE" (Low Density Multiple Dwellings) District, modified, to "G" (Neighbourhood Shopping Centre, etc.) District.
Block "3"	Change in Zoning from "G-3" (Public Parking Lots) District modified to "G" (Neighbourhood Shopping Centre, etc.) District.

The effect of the By-law is to permit a 2928 m² (31,517.76 sq. ft.) addition to the existing shopping plaza and the construction of a 279 m² (3003.23 sq. ft.) free standing building.

In addition, the By-Law provides for the following additional regulations:

- o to require a 3.0 m side yard instead of the legally permitted 1.2 m.
- o a 6.0 m wide landscaped strip along the southerly lot line;
- o a combination earthmound and visual barrier not to exceed a total height of 2.0 m; and
- o no access onto Carson Drive.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANTS

BYM Construction Ltd. and Bergamont Development Ltd., owners.

LOT SIZE AND AREA

It is an irregular shaped parcel of land having a lot frontage of 57.8 m (189.63 ft) on Upper Ottawa Street and a total lot area of 0.95 ha. (2.35 ac).

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Lands	vacant	"DE" (Low Density Multiple Dwellings) District "G-3" (Public Parking Lots) District
<u>Surrounding Lands</u>		
to the north	shopping plaza	"G" (Neighbourhood Shopping Center) District
to the south	townhouses	"E-2" (Multiple Dwellings) District
to the east	single family dwellings	"C" (Urban Protected Residential, etc) District
to the west	townhouses, single family dwellings	"DE" (Low Density Multiple Dwellings) District

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated both "Commercial" and "Attached Housing" in the approved Lisgar Neighbourhood Plan. A site specific redesignation from "Attached Housing" will be required to permit the proposal.

COMMENTS RECEIVED

- o The Building Department and Hamilton Region Conservation Authority have no comments or objections.

- o The Hamilton Wentworth Engineering Department has advised in part that
"According to the preliminary site plans submitted by the applicant, a commercial entrance is proposed on Upper Ottawa Street, immediately north of Carson Drive. It is desirable that this entrance be relocated northerly and consideration be given for alternate access to Carson Drive. Further comments should be obtained from the City of Hamilton Traffic Department." (see attached letter for full comments.)
- o The Traffic Department has advised that
"The access points are adequate for this development. Provision of an additional access to Carson Drive would only be of benefit to residents within Lisgar Neighbourhood living south of the mall. We would prefer that non-resident traffic enter/exit the site directly or via the signalized collector connection at Larch Street."

COMMENTS

- 1) The proposal complies with the Official Plan.
- 2) The proposal does not comply with the approved Lisgar Neighbourhood Plan. A site specific redesignation from "Attached Housing" to "Commercial" will be required to permit the proposal.
- 3) The proposal merits consideration for the following reasons:
 - a) it is located on a major arterial road;
 - b) adequate buffering and screening will be provided to minimize the impacts on the residential to the south;
 - c) it complies with the Official Plan.
- 4) Approval of the application would include the following additional regulations and modification:
 - o Landscaping Requirements

Under the current Zoning By-Law regulations, a 1.5 m landscaped strip is to be provided where a parking area of more than 5 cars abuts a residential district. To ensure that adequate buffering is provided for the residents to the south, a 6.0 m landscaped strip should be provided. The landscaped strip should ideally be a berm with a visual barrier on its crest. The total height of the berm/visual barrier should not exceed 2.0 m.

o "G" District Requirements

Under the current Zoning By-law regulations, the side yard is required to be 1.2 m only. Since the existing plaza has a side yard of 3.0 m, it is appropriate to require the extension to maintain the same side yard. Therefore, this modification is necessary.

o Access

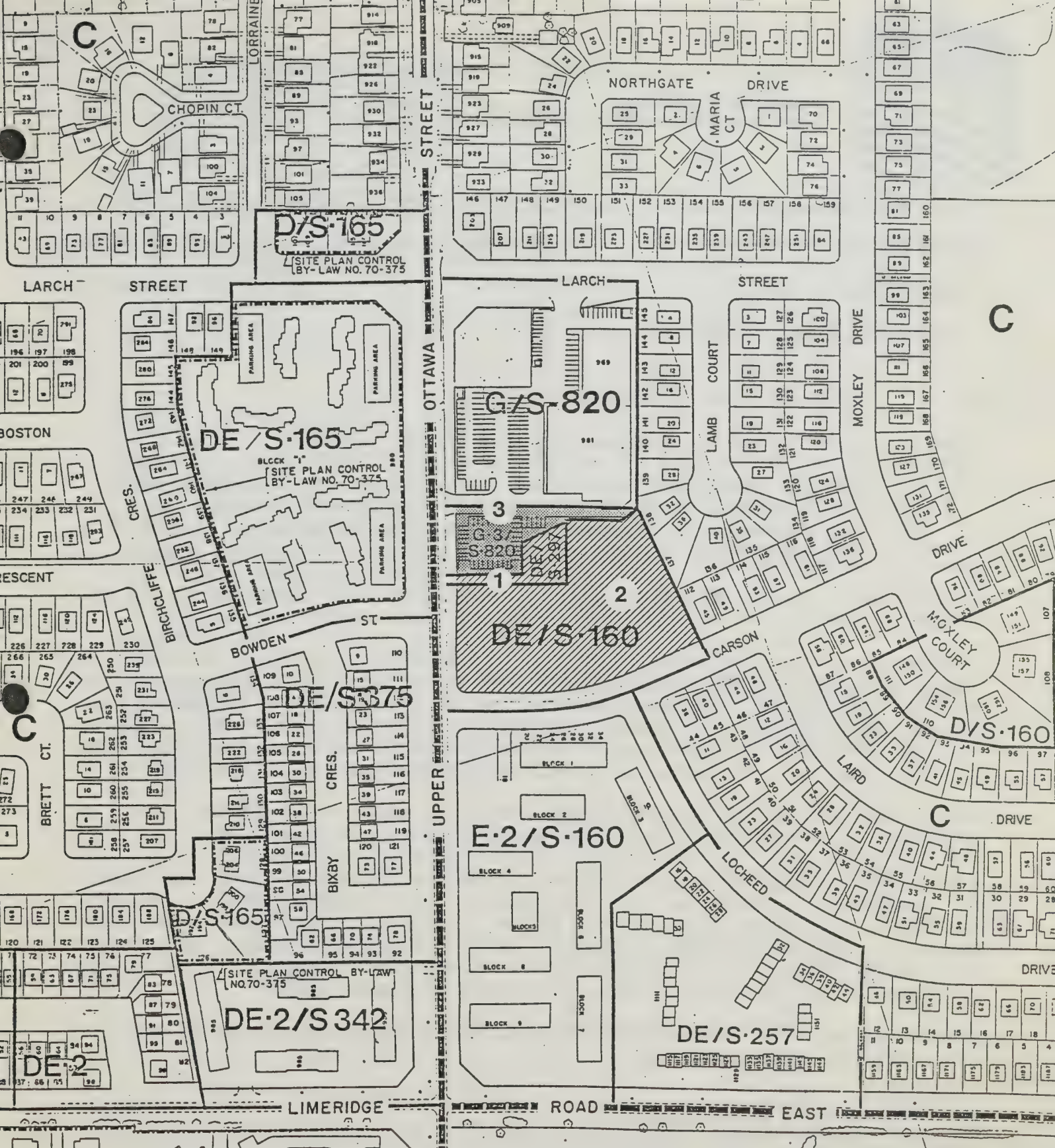
Access to the subject lands should be restricted to Upper Ottawa Street only. This restriction will minimize the traffic flow onto Carson Drive, a local residential street. The Traffic Department has advised that 3 accesses on the entire site (including the existing plaza to the north) is adequate.

- 5) Under the "G" District regulations, the lands are subject to Site Plan Control By-Law 79-275. Matters such as parking, access, and landscaping will be reviewed during the site plan approval process.

CONCLUSION

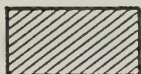
Based on the foregoing, the proposal may be supported.

JH/sdj
wp 0420P



LEGEND

BLOCKS
1 & 2



CHANGE IN ZONING FROM "DE" (LOW DENSITY MULTIPLE DWELLINGS) DISTRICT
TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT.

BLOCK 3



CHANGE IN ZONING FROM "G-3" (PUBLIC PARKING LOTS) DISTRICT
TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT.



APPENDIX A



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering

71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH

Received
JUN 30 1987

TO	STAFF	INIT.	INFO.	ACT.
DIR.				

ID#0068D (48)

June 25, 1987

Refer to File No.	E220-1203
Attention of	K.A. Brenner
Your File No.	ZA-87-60
Can.	
ADMIN.	

TO: V.J. Abraham, Planning Department

FROM: K.A. Brenner, Engineering Department

RE: Zoning Application ZA-87-60 for a Change in Zoning from "G-3/S820", "DE/S160", "DE/S297", to "G" District Regulations for Properties at 985 Upper Ottawa Street and 5 Carson Street

Please be advised that both public watermains and separate storm and sanitary sewers are available to service the subject lands.

According to our records, the road allowance widenings adjacent to Upper Ottawa Street, sufficient to establish the property line 15.24m (50 feet) from the centreline of the original Upper Ottawa Street road allowance, has previously been acquired as part of Block "B" on Plan M-89, Instrument No. 274263 A.B. as shown on Plan No. NS-2098 Surveys and Parts 4, 5 and 6 on Reference Plan 62R-2328.

Any works which may occur within the adjacent road allowances, as widened, must conform to the respective Streets By-Laws.

According to the preliminary site plans submitted by the applicant, a commercial entrance is proposed on Upper Ottawa Street, immediately north of Carson Drive. It is desirable that this entrance be relocated northerly and consideration be given for alternate access to Carson Drive. Further comments should be obtained from the City of Hamilton Traffic Department.

According to the approved Lisgar plan, these lands are designated for attached housing.

ALR/FAR:mc
Attach.

14.

F O R A C T I O N

FROM Planning and Development Department

DATE July 21, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-54

Landsdale Neighbourhood

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District regulations for property located at No. 308 East Avenue North, as shown on the attached map marked as APPENDIX "A". The purpose of the application is to legalize the current use of the existing building for a warehouse for the storage of wallpaper and related supplies, as well as an accessory office use.

RECOMMENDATION

That approval be given to Zoning Application ZA-87-54, Keith Cody, owner, requesting a modification to the established "D" (Urban Protected Residential One and Two-Family Dwellings etc.) District regulations applicable to property located at No. 308 East Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:

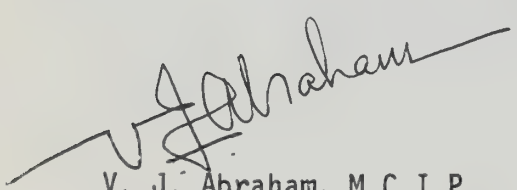
- i) That the "D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-Law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement.
 - a) Notwithstanding Section 10.(1) of By-law No. 6593 only the following uses shall be permitted within the existing building:
 - 1) a storage warehouse for wallpaper and related supplies; and
 - 2) an accessory office.
- ii) That the amending By-law be added to Section 19B of Zoning By-law 6593 as Schedule S- , and that the subject lands on Zoning District Map E-12 be notated S- ;
- iii) That the City Solicitor be directed to prepare a by-law to amend zoning By-law No. 6593 and Zoning District Map E-12;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

EXPLANATORY NOTE


The purpose of this By-law is to provide for a modification to the established "D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District regulations applicable to the lands located at No. 308 East Avenue North.

The effect of the By-law is to permit only the following uses within the existing building:

- a storage warehouse for wallpaper and related supplies; and
- an accessory office.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Keith Cody, owner.

LOT SIZE AND AREA

- 11.43 m (37.5 ft.) of lot width on East Avenue North;
- 37.49 m (123.0 ft.) of lot depth; and,
- 428.5 m² (4,612.5 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	a one storey warehouse office used by the applicant.	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District.
<u>Surrounding Lands</u>		
To the north	single family dwellings and row houses.	"D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District.

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
To the south	single-family dwellings and two-family dwellings.	"D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District.
To the east	single-family dwellings.	"D" (Urban) Protected Residential - One and Two-Family Dwellings, etc.) District.
To the west	single-family dwellings and two-family dwellings.	"D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District.

OFFICIAL PLAN

Designated "Residential". The existing warehouse and accessory office is not a permitted use. However, the following NON-COMPLYING Use Policy also applies to the application.

A.3.3.4 Notwithstanding Policies 3.3.1 and 3.3.2 above, and Subsection D.3, where an existing use of land does not comply with the land use designations shown on Schedule "A" or their related policies, Council may recognize this use or other NON-COMPLYING USE in the Zoning By-Law, provided that:

- i) It does not aggravate any situation detrimental to adjacent complying uses;
- ii) It does not constitute a danger to surrounding uses and persons by virtue of a hazardous nature, the traffic generated, or other nuisance; and,
- iii) It does not interfere with desirable development in adjacent areas that are in conformity with this Plan.

The proposal would not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Residential-Single and Double" on the approved Landsdale Neighbourhood Plan, the proposal does not comply. Since the proposal is a non-complying use, a redesignation is not recommended in order to maintain the long term intended use of the subject lands as prescribed in the Neighbourhood Plan.

BACKGROUND

Zoning Verification

In 1974 the Building Department issued a Zoning Verification Certificate which indicated that up to 1973 the building was occupied by a manufacturer of artificial marble counter-tops and was considered a legal-non conforming use. The applicant was advised that the use of the building for the storage of wallpaper and related supplies was not permitted. The applicant was advised to apply to the Committee of Adjustment for a change in the occupancy of the building.

Committee of Adjustment

On April 2, 1987, the Committee of Adjustment considered an application (i.e. A-87-71) to permit the establishment of an office and warehouse for the storage of goods in place of the established legal non-conforming use of the premises for the manufacture of artificial marble counter-tops. The application was denied because evidence at the hearing indicated that the use of the building had already changed in 1973 to the storage of wallpaper goods without receiving the approval of a minor variance through the Committee of Adjustment.

COMMENTS RECEIVED

- The Building Department. See attached copies of Zoning Verification Certificate No. ZV 33308 and Committee of Adjustment Decision to Application No. A-87-71.
- The Traffic Department, Hamilton Region Conservation Authority and the local Architectural Conservation Advisory Committee have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised in part that:

" Any works which may occur within the East Avenue North road allowance or the public assumed alley must conform to the City of Hamilton Streets By-Law. According to our records, the alley to the rear of the subject lands is public assumed."

COMMENTS

1. The proposal would not conflict with the intent of the Official Plan.
2. Taking into consideration the non-complying aspect of the proposed use, and the long-term intent of the Landsdale Neighbourhood Plan for this site for "Single and Double" residential use, a redesignation of the property would not be appropriate.

3. The proposal has merit and can be supported for the following reasons:

- The existing building was constructed and has been used for industrial purposes for at least 30 years. As such, it is highly unlikely that the use on the property will be changed to residential in the near future.
- The existing building is clean and orderly in appearance and is well maintained. The building appears to blend well with established development in the surrounding area. The rear yard along both side property lines is screened from view by a visual barrier (i.e. closed fence). The rear property line is open to the public assumed alleyway to provide access to a rear yard parking area which can accommodate four to six cars.

4. Approval of the application would necessitate a modification to the established "D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District regulations to permit the following uses within the existing building:

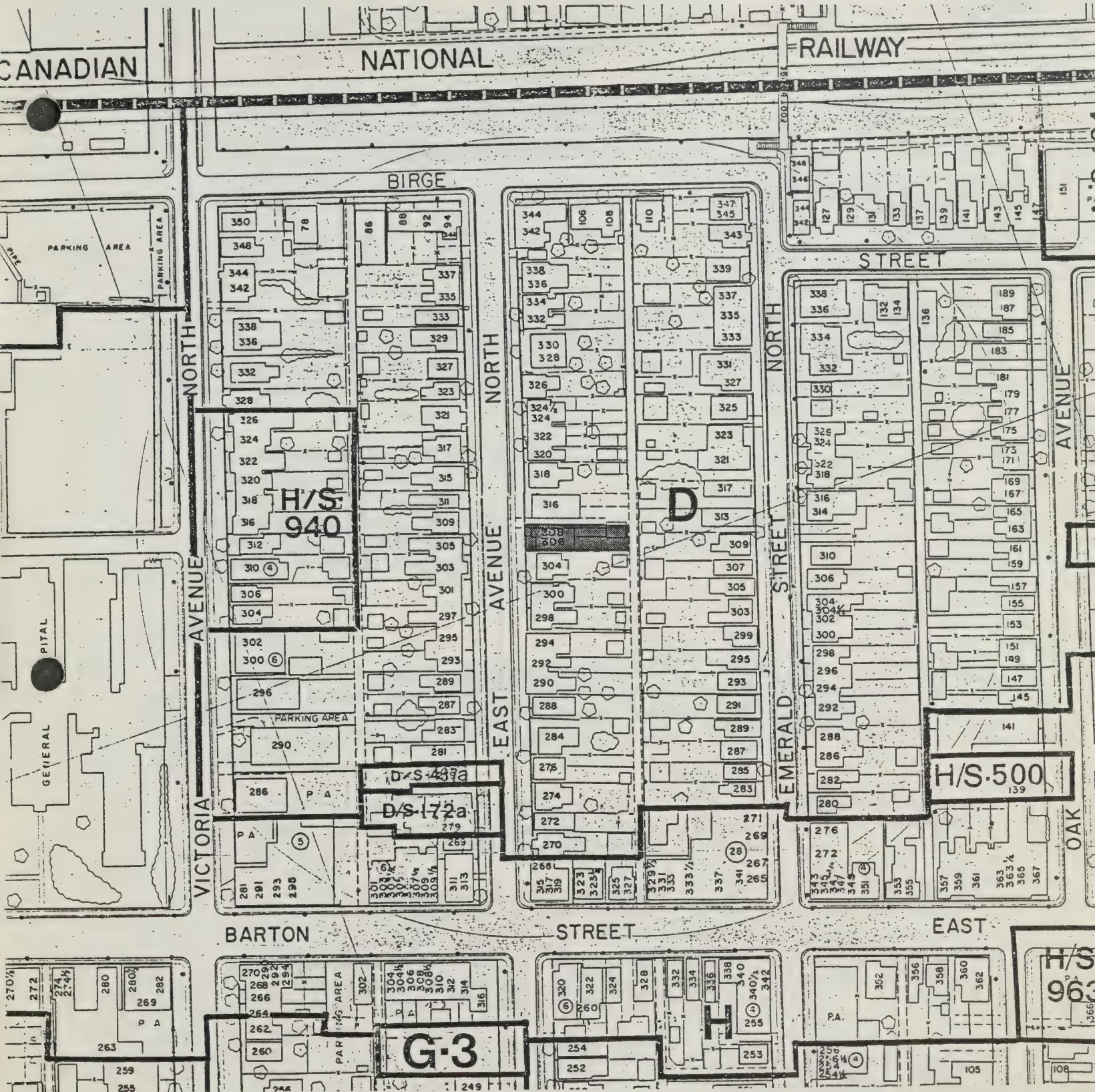
- a storage warehouse for wallpaper and related supplies; and
- an accessory office.

CONCLUSION

On the basis of the foregoing, the application can be supported.

W.P. DOC. 0597P

GW/lm/cs



LEGEND



SITE OF APPLICATION

15.

F O R A C T I O N

FROM Planning and Development Department

DATE July 21, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-57

Hannon West Neighbourhood

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "M-12" (Prestige Industrial) District regulations for the property located at Nos. 1148 and 1160 Rymal Road East as shown on the attached map. The purpose of the application is to permit in addition to the "M-12" (Prestige Industrial) uses, the following uses:

- Auto body paint and repair shop;
- General repair garage;
- Muffler replacement shop;
- Motor vehicle glass replacement shop;
- Motor vehicle transmission repair and replacement shop;
- Other motor vehicle repair shop.

RECOMMENDATION

That approval be given to Zoning Application 87-57, James Miles, owner, for a modification to the established "M-12" (Prestige Industrial) District regulations, for property located at Nos. 1148 and 1160 Rymal Road East, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A" on the following basis:

- i) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D of the Zoning By-Law No. 6593 as amended by By-Law No. 87-24 be further amended as follows:
 - a) That the lands described as Block "1" be added to Schedule "A" of By-Law No. 87-24; and
 - b) That notwithstanding the provisions of Section 17D(1)(b), the following commercial uses shall be permitted on the lands described as Blocks "1" and "2":

<u>Commercial Uses</u>	Identification No.
General Repair Garage	6351
Paint and Body Repair Shop	6352
Muffler Replacement Shop	6353
Motor Vehicle Glass Replacement Shop	6354
Motor Vehicle Transmission Repair and Replacement Shop	6355

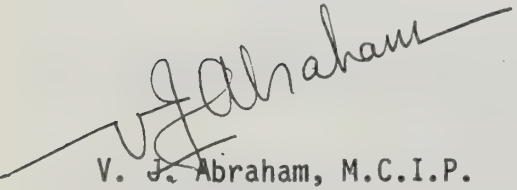
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-998A, and that the subject lands on Zoning District Map E-59E be notated S-998A;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59E;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

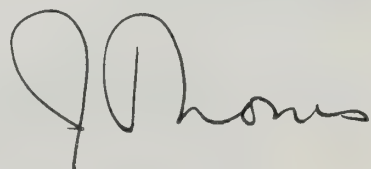
The purpose of this By-law is to provide for a modification to the established "M-12" (Prestige Industrial) District regulations applicable to property located at Nos. 1148 and 1160 Rymal Road East.

The effect of the By-law is to permit the following additional commercial uses within the established "M-12" (Prestige Industrial) District:

- Auto body paint and repair shop;
- General repair garage;
- Muffler replacement shop;
- Motor vehicle glass replacement shop;
- Motor vehicle transmission repair and replacement shop;
- Other motor vehicle repair shop.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

James Miles, owner and prospective owner.

LOT SIZE AND AREA

Block 1 and Block 2 each having the following characteristics:

- 46.0 m (150.91 ft.) of lot frontage on Rymal Road East;
- 91.44 m (300.0 ft.) of lot depth; and,
- .42 ha (1.04 ac.) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>Subject Lands</u>	Vacant	"M-12" (Prestige Industrial) District
<u>Surrounding Lands</u>		
To the north	Vacant	"M-11" (Prestige Industrial) District
To the south	Regional Transfer Station	"M-15" (Prestige Industrial) District
To the east	Vacant	"M-12" (Prestige Industrial) District
To the west	Vacant	"M-12" (Prestige Industrial) District

OFFICIAL PLAN

Designated "Industrial", the proposal complies.

MOUNTAIN INDUSTRIAL AREA PLAN

Designated for "Restricted Industrial-Commercial" use on the Approved Mountain Industrial Area Plan. The proposal does not conflict with the intent of the Approved Plan.

BACKGROUND

● Sale of Subject Lands

On September 30, 1986, City Council adopted Item 15 of the 20th Report of the Planning and Development Committee to approve the sale of the lands described as Block "2". On June 23, 1987, City Council adopted Item 26A of the 13th Report of the Planning and Development Committee to approve the sale of the lands described as Block "1".

● By-Law 87-24

On January 27, 1987, City Council passed By-law 87-24 which provided for a modification to the established "M-12" District to permit an "Auto body paint and repair shop" on the lands described as Block "2".

COMMENTS RECEIVED

- The Building Department, Traffic Department and the Hamilton Region Conservation Authority have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised in part that:

"According to our records, the appropriate road allowance widenings on Rymal Road were acquired through the registration of plan of subdivision 62M-352.

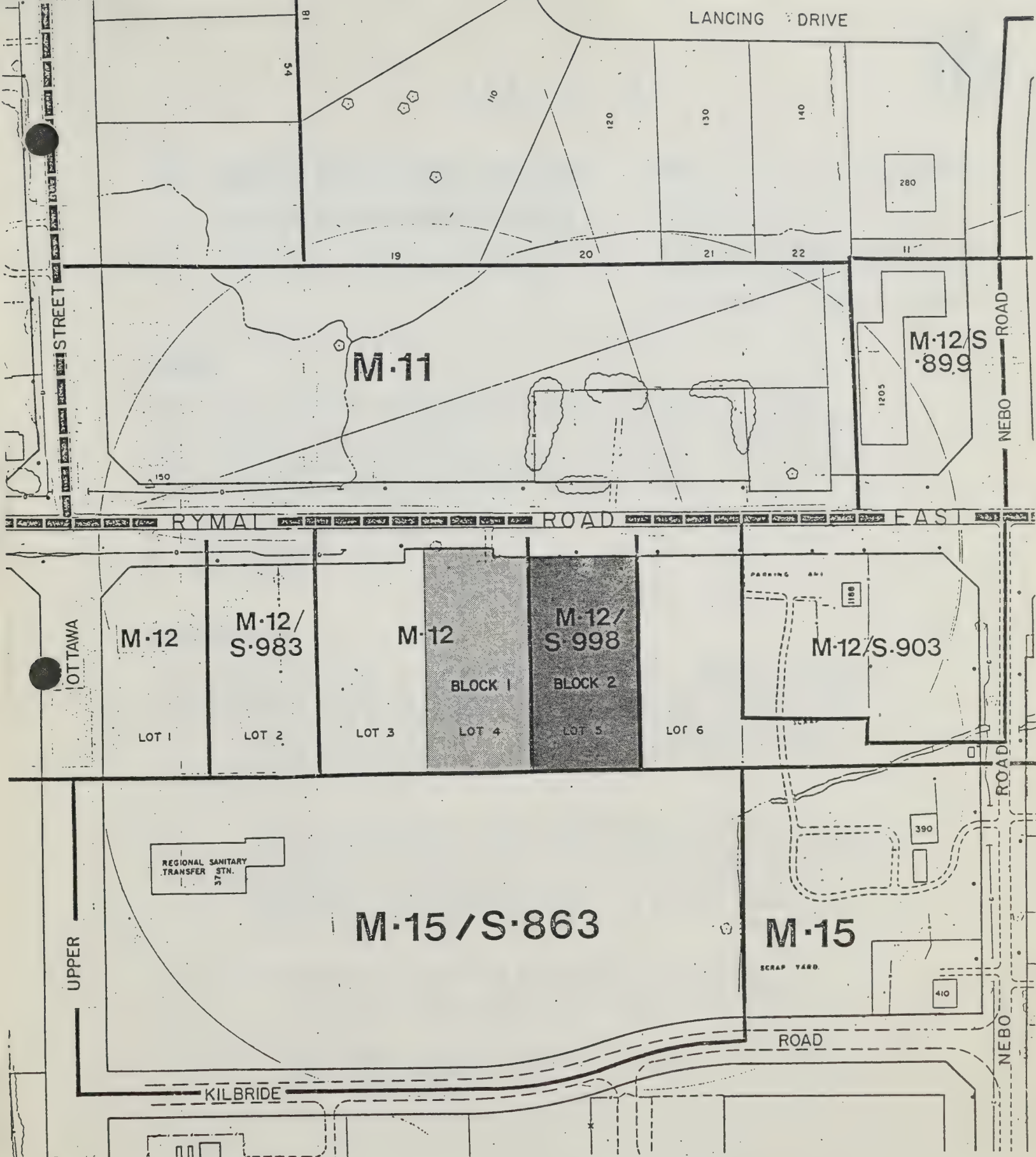
In the absence of any detailed plans being submitted for review, we advise that any works which may occur within the Rymal Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law".

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would not conflict with the intent of the approved Mountain Industrial Area Plan which designates the subject lands for "Restricted Industrial-Commercial" purposes.
3. The proposal has merit and can be supported for the following reasons:
 - a) City Council is on record of supporting a previous rezoning to permit "auto body paint and repair" as an additional commercial use within the "M-12" District applicable to the lands described as Block "2";
 - b) The proposed additional automobile-related uses applicable to both Blocks "1" and "2" are service-type industrial uses which complement the existing auto body paint and repair shop already permitted on Block "2".
 - c) The proposed "automobile campus" will provide a wide range of automobile-related uses which should be situated fronting along a major arterial road;
 - d) It would be compatible with existing and proposed development in this area, including another auto body shop (approved for Lot No. 2, west of the subject lands), the Regional Transfer Station and a scrap yard.
4. Development of the subject lands would be subject to the provisions of the Site Plan Control By-law 79-275. In this regard, prior to the issuance of a building permit, the applicant is required to submit site plans of the proposed development for the approval of the Planning and Development Committee. Matters relating to parking, storage, screening, fencing, landscaping and signage, etc., will be reviewed at the site plan stage.

CONCLUSION

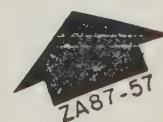
On the basis of the foregoing, the proposal can be supported.



LEGEND

BLOCK 1
BLOCK 2

SITE OF APPLICATION



16.

F O R A C T I O N

FROM Planning and Development Department

DATE July 9, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-61

Kirkendall North Neighbourhood

Attention Of V. J. Abraham

SUBJECT

Request for a further modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District regulations applicable to the property located at No. 234 Queen Street South. The purpose of this application is to permit in addition to a dry cleaning pickup service use, the following uses:

- Retail variety and grocery store;
- Flower shop;
- Drug store.

RECOMMENDATION

That approval be given to Zoning Application 87-61, Ritlyn Investments Limited, owner, requesting a further modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District regulations for property located at No. 234 Queen Street South, as shown on the attached map marked as APPENDIX "A" on the following basis:

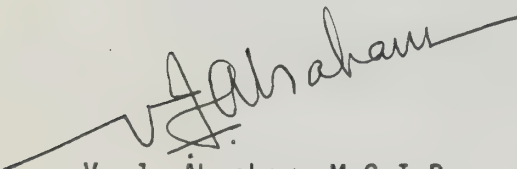
- i) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 86-251, passed by City Council on August 26, 1986, applicable to the subject property, be further amended to include the following variance as special requirements:
 - a) That notwithstanding the provisions of Section 10.(1) of By-law No. 6593, the following additional commercial uses shall be permitted within the existing building:
 - Retail variety and grocery store;
 - Flower shop;
 - Drug store.

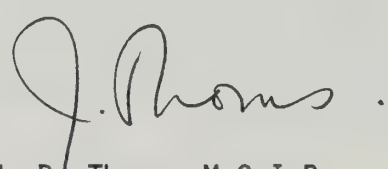
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-973A, and that the subject lands on Zoning District Map W-14 be notated S-973A;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-14: and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a further modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District regulations for property located at No. 234 Queen Street South, as shown on the attached map marked as APPENDIX "A". The effect of the By-law is to permit in addition to a dry cleaning pickup service use within the existing building, the following commercial uses:

- Retail variety and grocery store;
- Flower shop;
- Drug store.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ritlyn Investments Limited, owner.

LOT SIZE AND AREA

- 12.2 m (40.0 ft.) of lot frontage on Queen Street South;
- 26.2 m (86.0 ft.) of lot flankage on Charlton Avenue West;
- 319.6 m² (3,440 sq. ft.) of lot area.

LAND USE AND ZONING

<u>Subject Lands</u>	<u>Existing Use</u>	<u>Existing Zoning</u>
	Vacant store with two apartments above	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, modified
<u>Surrounding Lands</u>		
To the north	Single Family and Three-Family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, modified
To the south	Single Family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, modified
To the east	Variety store, three-family dwellings	DE-3" (Multiple Dwellings) District
To the west	Single family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, modified

OFFICIAL PLAN

The subject lands are designated Residential on Schedule "A". Commercial establishments on sites not exceeding .4 ha in size are permitted in residentially designated areas. In this regard, the proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "Single and Double" Residential in the Approved Kirkendall North Neighbourhood Plan. The proposal does not conform to the Plan. However, a redesignation to "Commercial" is not warranted, since the long term use of the land is for residential purposes.

BACKGROUND

Approximately twenty years ago, the ground floor of the building functioned as a dry cleaner's pickup store. This use was deemed to be a legal non-conforming use. In 1968, the owner applied to the Committee of Adjustment to change the use from the dry cleaning service to a variety store. Permission was granted and the variety store remained as a legal non-conforming use. In addition, the Committee allowed the owner to establish a day-old bread retail store or a florist shop in the premises, if he wished. During 1986, the owner reconverted the use of the store back to a dry cleaning pickup service without obtaining the approval of the Committee of Adjustment. As a result of the illegal occupancy, an Order to Comply was issued by the Building Department and the applicant was advised to submit a zoning application to legalize the dry cleaning pickup store. On August 26, 1986, City Council passed By-law 86-251 to permit the existing building to be used as a dry cleaning pickup service store.

COMMENTS RECEIVED

- The Building Department has advised that:

"By-law 86-251 permits a dry cleaning pickup service in the existing building. The other proposed uses require a further modification to the "D" Zoning.
- The Traffic Department, Local Architectural Conservation Advisory Committee Staff, and the Hamilton Region Conservation Authority have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised in part that:

"According to our records, the existing building at 234 Queen Street South encroaches into the Queen Street road allowance. As a condition of approval, we recommend that the applicant/owner enter into an encroachment agreement with the Region."

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal does not comply with the intent of the Approved Kirkendall North Neighbourhood Plan. However, in order to maintain the long term goals of the Neighbourhood Plan, redesignation to "Commercial" is not recommended.

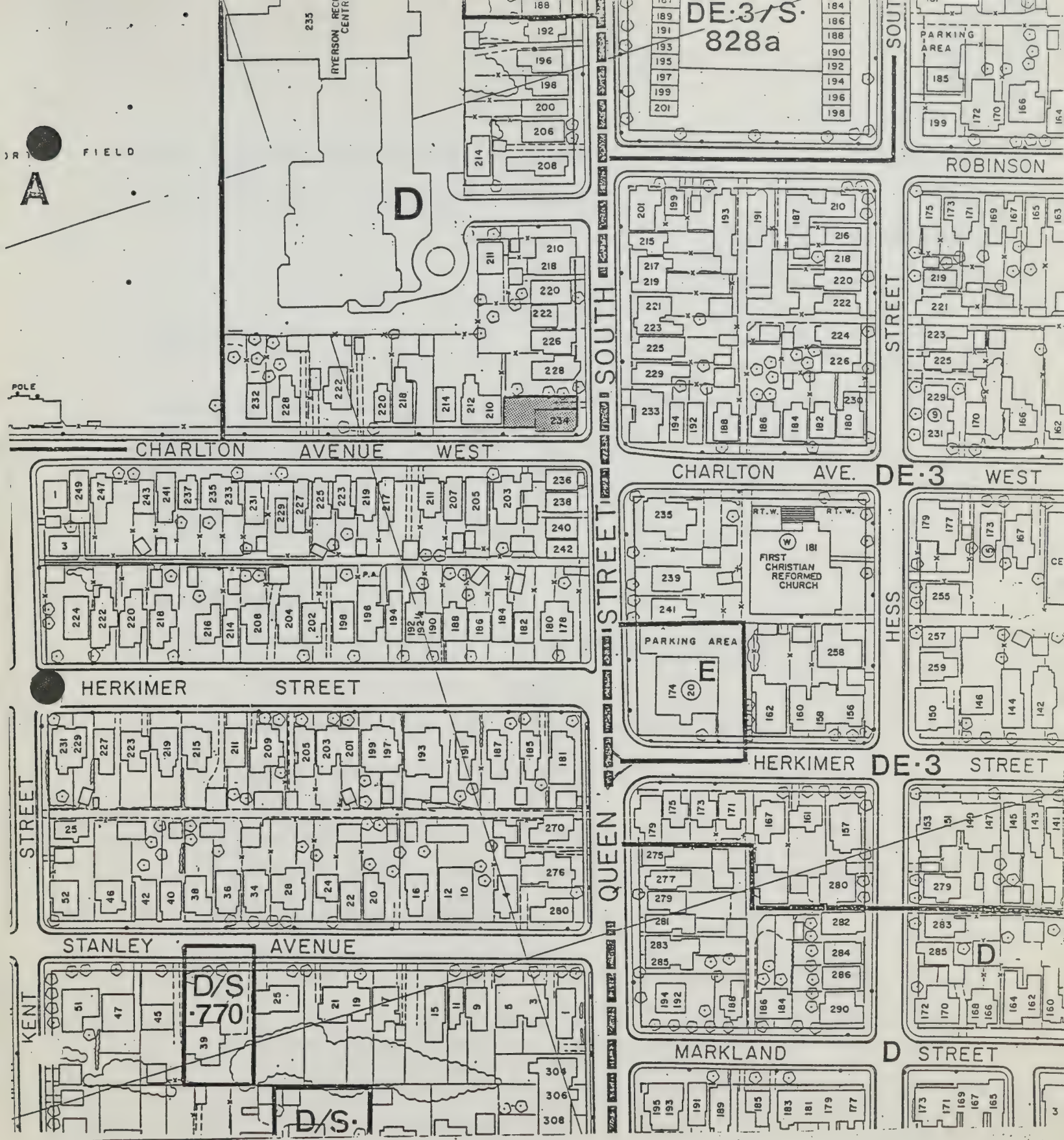
3. The proposal can be supported for the following reasons:

- a) The property has been used for commercial purposes for more than twenty years without any apparent disruption to the neighbourhood.
- b) The building was previously used as a variety store and had approval to operate as a florist shop, day-old bread retail store, but not as a drug store or grocery store. The proposal to permit the requested additional retail uses would be no less feasible as they would serve the daily needs of the surrounding neighbourhood.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW:cs
WPD0C 0136P



LEGEND



SITE OF THE APPLICATION

ZA-81-61

17.

FOR ACTION

FROM Planning and Development Department
TO Planning and Development Committee

DATE July 24, 1987

Refer To File No. ZA-87-66

Stipeley Neighbourhood

Attention: V. J. Abraham

SUBJECT

Request for a modification to the "C" (Urban Protected Residential, etc.) District for property located at 4A, 4B, 4-1/2 and 2 Solidarnosc Place. The purpose of the proposed modification is to legally permit an expansion or replacement of the existing non-conforming use (i.e., club) with a total gross floor area of 2,300 m² (24,757.8 sq. ft.) including 300 m² (3,229.3 sq. ft.) of ancillary office space and a maximum seating capacity of 500 persons.

RECOMMENDATION

1. That Zoning Application ZA-87-66, Polonia Club Limited, owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District for property located at 4A, 4B, 4-1/2 and 2 Solidarnosc Place, shown as Blocks "1" and "2" on the attached plan marked as APPENDIX "A" be denied for the following reason:

- the proposal would isolate the existing residential dwelling located at 4 Solidarnosc Place.

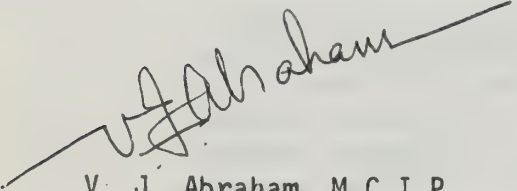
2. That approval be given to an amended Zoning Application 87-66, Polonia Club Limited, owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District for property located at 4A, 4B and 4-1/2 Solidarnosc Place, shown as Block "1" on the attached plan marked APPENDIX "A" on the following basis:

- i) That the "C" (Urban Protected Residential, etc.) District regulations applicable to Block "1" be modified as follows:

- a) That notwithstanding Section 9.(1) of By-law No. 6593, the following uses shall be permitted in a building having a maximum gross floor area of 2,300 m² (24,757.8 sq. ft.) and a capacity of 500 persons:

- a social club; and
- ancillary offices having a maximum of 300 m² (3,229.3 sq. ft.)

- b) That the front yard provisions of Section 9.(3)(i) of By-law No. 6593, shall not apply to the northerly front lot line of Block "1";
 - c) That notwithstanding Section 9.(3)(iii) of By-law No. 6593, no rear yard shall be required from the southerly lot line of Block "1";
 - ii) That the amending By-law be added to Section 19B of the Zoning By-law No. 6593 as Schedule S- and that the subject lands on Zoning District Map E-32 be notated S- ;
 - iii) That the Stipeley Neighbourhood Plan be amended by redesignating the western half of the subject lands from "Residential - Single and Double" to "Civic and Institutional"; and,
 - iv) That the proposed change in Zoning is in conformity with the Official Plan for the Hamilton Planning Area.
3. That By-law No. 79-275 establishing Site Plan Control be amended by adding the subject lands to Schedule "A".


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The purpose of the By-law is to provide a modification to the "C" (Urban Protected Residential, etc.) District for property located at 4A, 4B and 4-1/2 Solidarnosc Place, shown as Block "1" on the attached plan marked APPENDIX "A".

The effect of the By-law is to permit the expansion or replacement of the existing club building having a maximum gross floor area of 2,300 m² including 300 m² of ancillary office space and a maximum capacity of 500 persons.

In addition, the By-law provides for the following variances:

- to require no front yard, whereas a minimum front yard of 6.0 m (19.69 ft.) is required under Section 9.(3)(i) of Zoning By-law 6593; and,
- to require no rear yard whereas a minimum rear yard 7.5 m (24.61 ft.) is required under Section 9.(3)(iii) of Zoning By-law 6593.

APPLICANT

Polonia Club Limited, owner.

LOT SIZE AND AREA

- Block "1" - 54.94 m (180.28 ft.) of frontage;
 - 27.13 m (89.0 ft.) of depth; and
 - an area of 1492.0 m² (16,060.3 sq. ft.).
- Block "2" - 7.62 m (25 ft.) of frontage;
 - 27.13 m (89.0 ft.) of depth; and
 - an area of 206.7 m² (2,225 sq. ft.).

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Polish Club, library, Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
To the north	St. Stanislaus Church	"C" (Urban Protected Residential, etc.) District
To the south	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
To the west	St. Ann's Separate School	"C" (Urban Protected Residential, etc.) District
To the east	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" of the Official Plan, the proposal complies.

NEIGHBOURHOOD PLAN

The approved Stipeley Neighbourhood Plan designates the subject lands as follows:

- eastern half is designated "Civic and Institutional";
- western half is designated "Residential - Single and Double".

The proposal does not comply with the Neighbourhood Plan and would require a redesignation to the western half of the subject lands from "Residential - Single and Double" to "Civic and Institutional".

BACKGROUND

The applicant's agent has submitted a preliminary plan which outlines the size and location of the proposed expansion or replacement of the existing club building to accommodate a maximum of 500 persons. The proposal has a total gross floor area of 2,300 m² (24,757.8 sq. ft.) including a 300 m² (3,229.28 sq. ft.) of ancillary office space to be used in conjunction with the primary uses on the property.

It should be noted that the existing building can accommodate 250 persons. The proposal, which would double the capacity of the club, is required to meet the need for additional space of the club.

RESULTS OF CIRCULARIZATION

- The Traffic Department has advised that the application is satisfactory, provided that it meets the off-street parking provisions of Zoning By-law 6593.
- The Building Department has advised as follows:
"The club is an existing legally established non-conforming use. Some of the uses listed are new uses which are not permitted."
- The Hamilton Region Conservation Authority has advised that they have no objection to the proposal.
- The Hamilton-Wentworth Engineering Department has advised as follows:
"Public watermains as well as combined storm and sanitary sewers are available to service the subject lands."

We do not anticipate any further road allowance widenings at this time.

Any work within the Solidarnosc Place and St. Olga Street road allowance must conform to the City of Hamilton Streets By-law.

The alley to the rear of the subject lands is a public and unassumed alleyway."

COMMENTS

1. The proposal complies with the Official Plan.
2. Approval of the application would require a change to the Stipeley Neighbourhood Plan to redesignate the western half of Block "1" from "Residential - Single and Double" to "Civic and Institutional".
3. The proposal has merit and can be supported for the following reasons:
 - there are other major institutional uses along Solidarnosc Place and St. Ann Street;
 - the proposal will not set a precedent since a portion of the property is already being used as a social club; and
 - the established club has existed harmoniously relative to the uses in the surrounding area.
4. Approval of the application would require the following variances:
 - Front Yard

The proposal would provide no front yard, whereas a minimum of 6.0 m (19.69 ft.) is required. The existing building on the subject lands has a reduced front yard of 1.33 m (4.37 ft.). This reduced front yard does not appear to adversely affect the established uses in the surrounding area. On this basis, the elimination of the front yard requirement can be supported.
 - Rear Yard

The proposal would provide no rear yard, whereas a rear yard of 7.5 m (24.61 ft.) is required. The proposed variance can be supported for the following reasons:

 - the subject lands abuts an unassumed, public alleyway which is 2.9 (9.5 ft.) in width. This alleyway could be used to access the proposed building for maintenance purposes, if required; and,
 - the middle portion of the existing building is already located 0.81 m (2.65 ft.) from the rear property line.

5. The application as submitted requests the rezoning of the following properties:

Block 1 - 4B, 4A, and 4 1/2 Solidarnosc Place;

Block 2 - 2 Solidarnosc Place.

The intent is to use the western portion of Block 1 and all of Block 2 as a parking lot. These two blocks are separated by an existing single family dwelling located on 4 Solidarnosc Place. As such, the development of Block 2 would isolate the existing dwelling on 4 Solidarnosc Place. Given this situation the rezoning of Block 2 cannot be supported.

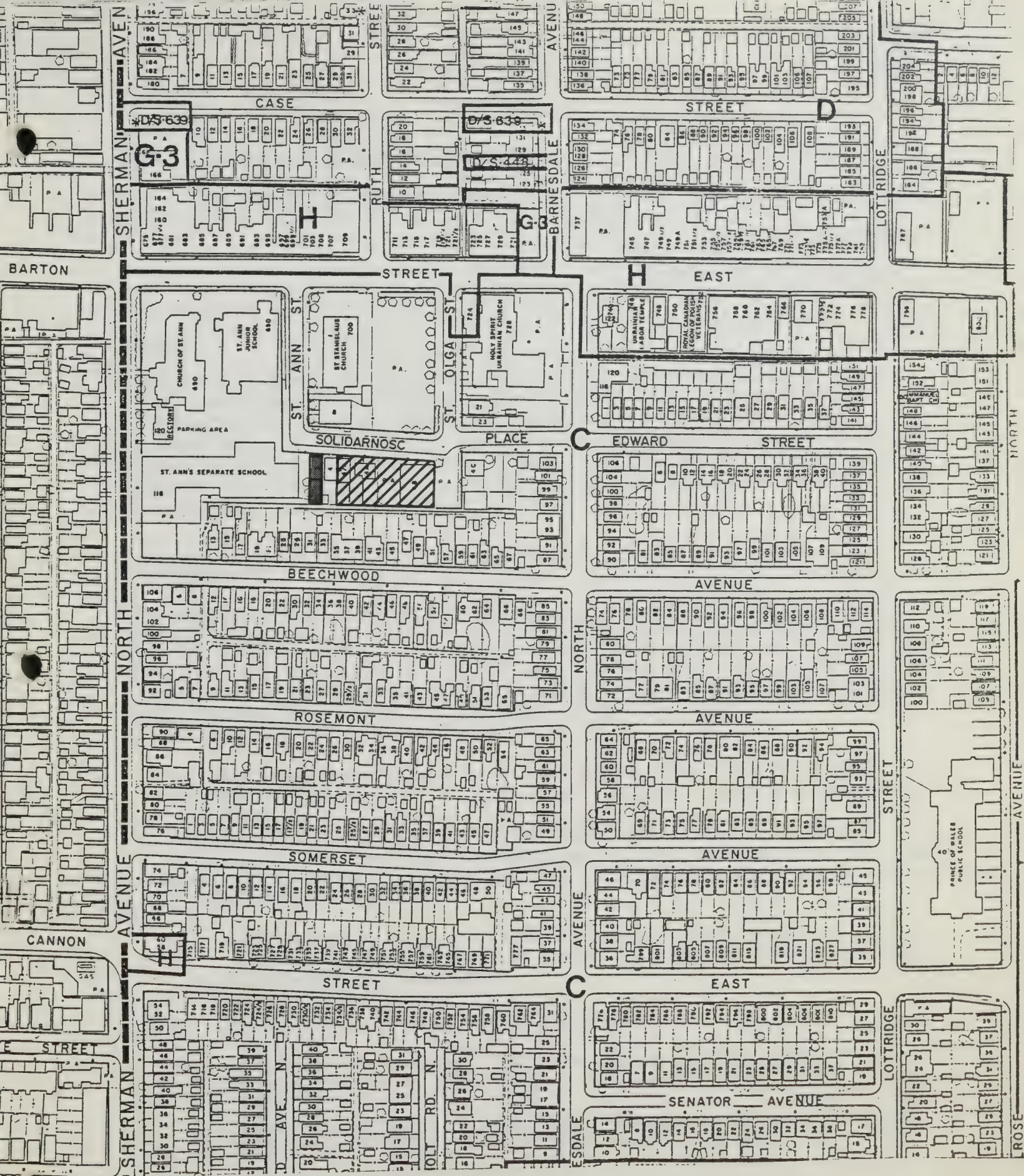
The applicant's agent has advised that the Polonia Club is currently negotiating to purchase the property at 4 Solidarnosc Place. Once these lands are owned by the Polonia Club, the two properties (i.e. and 2 and 4 Solidarnosc Place) may be rezoned to permit parking for the club expansion. This would require a separate rezoning application in the future.

6. Based on the application, the height of the proposed building has not been accurately determined. The applicant's agent has advised that the proposed building will not exceed 2-1/2 storeys in height. Such a height would satisfy the requirements (i.e., 2-1/2 storeys and 11 metres or 36.09 ft.) of Section 9 of Zoning By-law 6593.
7. The applicant should be made aware of the following zoning provision:
 - the proposal must satisfy the parking and loading requirements of Section 18A of Zoning By-law 6593.
 - the proposal may require additional variances once the design details of the proposal have been determined.
8. To ensure orderly development, the entire site should be subject to the provisions of site plan control. This would enable the detail review of parking, landscaping and fencing requirements of the proposal.

CONCLUSION

On the basis of the foregoing, the application can be supported.

HY:cs
0117P



FOR ACTION

18.

FROM Planning and Development Department

DATE August 7, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-77

Central Neighbourhood

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "HI" (Civic Centre Protected) to "E-3" (High Density Multiple Dwellings) District (Block 2) and for a further modification to the established "E-3" (High Density Multiple Dwellings) District (Block 1) for property located on the east side of Hess Street South, between Main Street West and George Street. The purpose of the application is to permit the development of the lands for a privately-operated retirement home having a total of 96 rooms.

RECOMMENDATION

That approval be given to Zoning Application 87-77, Hourigan Management Inc., prospective owners, for a change in zoning from "HI" (Civic Centre Protected) District to "E-3" (High Density Multiple Dwellings) District and for a further modification to the established "E-3" (High Density Multiple Dwellings) District regulations, for property located on the east side of Hess Street South, between Main Street West and George Street, as shown on the attached map marked as APPENDIX "A" on the following basis:

- i) That the lands described as Block 2 be rezoned from "HI" (Civic Centre Protected) District to "E-3" (High Density Multiple Dwellings) District;
- ii) That the "E-3" (High Density Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593 applicable to the lands described as Blocks 1 and 2 be modified to include the following variances as special requirements:
 - a) Notwithstanding Section 11.(1)(v) a lodging house consisting of 96 rooms for the accommodation of elderly persons, of at least 55 years of age shall be permitted;
 - b) That Sections 11C(2)(a) and 11c(2)(b) shall not apply;
 - c) Notwithstanding Section 11C(4) a maximum gross floor area of 5,574 m² (60,000 sq. ft.) shall be permitted;
 - d) Notwithstanding Section 11C(5) a landscaped area of 278.7 m² (3,000 sq. ft.) shall be provided and maintained on the lot;

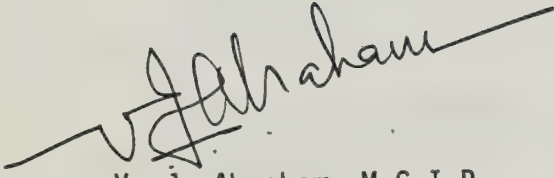
- e) Notwithstanding Section 11.(1)(xi) a tuck shop and beauty parlour for the use of the residents shall be permitted within a multiple dwelling;
- f) Notwithstanding Section 11.(1)(xi) one identification sign having an area of not more than 1.0 m^2 (10.0 sq. ft.) located either on the face of the building or in front of the building adjacent to the nearest street line shall be permitted;
- g) Notwithstanding Section 18A Table 1.(K), a minimum of 27 parking spaces shall be provided;
- h) Notwithstanding Section 18.A(10) the manoeuvring space for the required loading space shall be permitted in the access driveway;
- i) That Sections 18A(11)(a) and (b) and 18A(12)(a) and (b) shall not apply;
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map W-4 be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4;
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning of the lands described as Block 2 on the attached map from "HI" (Civic Centre Protected) District to "E-3" (High Density Multiple Dwellings) District. In addition, the By-law will provide modifications to the "E-3" (High Density Multiple Dwellings) District regulations applicable to the lands described as Blocks 1 and 2 on the attached map as follows:

- Section 11.(1)(v) - to permit a lodging house consisting of 96 rooms for the accommodation of elderly persons, of at least 55 years of age, whereas an ordinary lodging house is permitted containing only 20 persons;
- Section 11C(2)(a) and (b) - to permit a "0" front and side yard, whereas a front yard of 5.96 m and side yards of 7.50 m and 7.0 m respectively are required;
- Section 11C(4) - to permit a maximum gross floor area of $5,574 \text{ m}^2$ whereas a maximum gross floor area of only $3,359.6 \text{ m}^2$ is permitted;
- Section 11C(5) - to permit a landscaped area of 278.7 m^2 , whereas a landscaped area of 731.16 m^2 is required;

- Section 11.(1)(xi) - to permit a tuck shop and beauty parlour for internal use in a multiple dwelling containing less than 100 dwelling units which otherwise would not be permitted;
- Section 11.(1)(xi) - To permit one identification sign having an area of not more than 1.0 m located on the face of the building or in front of the building adjacent to the nearest street line, whereas one identification sign having an area of not more than 0.4 m² is permitted either on the building or on the ground, but setback at least 1.5 m from the nearest street line.
- Section 18A Table 1(K) - to provide a minimum of 27 parking spaces whereas a minimum of 32 parking spaces are required.
- Section 18A(10) - to permit the manoeuvring space for the required loading space to be provided in the access driveway which otherwise is not permitted.
- Sections 18A(11)(a) and (b)
18A(12)(a) and (b) to delete the required 1.5 m wide landscaped planting strip and front yard setback from the street line of George Street for the surface parking and loading area adjoining lands within a residential district which otherwise would apply.



V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Hourigan Management Inc., prospective owner.

LOT SIZE AND AREA

- 31.69 m (103.96 ft.) of lot frontage on Main Street West;
- 44.87 m (147.2 ft.) of lot flankage on Hess Street South; and,
- 1,827 m² (19,676 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Parking Lot	"HI" (Civic Centre Protected) District and "E-3" (High Density Multiple Dwellings) District
<u>Surrounding Lands</u>		
To the north	Retail commercial and residential uses (Hess Village)	"E-3" (High Density Multiple Dwellings) District
To the south	Senior Citizens' apartment building with ground floor commercial development	"H" (Community Shopping and Commercial, etc.) District, modified
To the east	Parking lot and an apartment building	"HI" (Civic Centre Protected) District
To the west	An office, multiple dwellings and retail commercial uses (Hess Village)	"HI" (Civic Centre Protected) District and "E-3" (High Density Multiple Dwellings) District

OFFICIAL PLAN

Designated "Central Policy Area" on Schedule "A" - LAND USE CONCEPT PLAN of the Official Plan, the proposal complies.

NEIGHBOURHOOD PLAN

The site is designated for "Commercial and Apartment" on the approved Central Neighbourhood Plan. The proposal complies. In addition, the approved Central Area Plan designates the site for "Mixed Use" development. According to the Urban Design policies of the Central Area Plan, the proposal should be designed and constructed in such a manner which will be compatible with the surrounding streetscape.

BACKGROUND

The applicant has advised that:

"The proposed retirement home operations, which is entirely private with no public funding, will closely parallel that of the Christopher Terrace Retirement Home in Burlington which accommodates 82 residents. Each has a private bed sitting room with TV, telephone and a four-piece bath. Full maid service is provided daily. All meals (three per day) are planned by a

dietician and are served in a pleasant dining room from a full-equipped kitchen under the direction of a trained chef. Special diets are catered to. There is a 24-hour nursing attendance from R.N. to R.N.A. personnel, but residents use their own family doctors. This is not a nursing home, and basic good medical health is a prerequisite for residency.

Other amenities include a large lounge, TV-card room, library, exercise and craft areas, with regular classes and several kitchenettes for afternoon tea or evening snacks. While special outings and events for residents are frequently arranged, the building and grounds are the residents' home and their privacy is carefully protected."

ECONOMIC FACTORS

The proposal will involve the construction of a new building and manpower for the project will involve approximately 60 to 70 employees with people from firms located primarily within the Hamilton-Wentworth Region. Total cost of the project will be in excess of \$1,000,000.

COMMENTS RECEIVED

- The Building Department has advised that:

"The zoning regulations does not define a Retirement Home. The proposal may be one of the following uses: a Lodging House, Nursing Home or Residential Care Facility. The Zoning District and the actual use is required before any comments are made on proposed use. However, you may wish to consider a definition for a Retirement Home and follow the criteria of a Nursing Home. A signed declaration of the use and the operation would be required."

- The Traffic Department, Hamilton Region Conservation Authority, Ministry of Transportation and Communications and GO Transit have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised in part as follows:

"The designated road allowance width of Main Street West is 26.21 m (86 feet). This policy is currently being reviewed and it is anticipated that the designated road allowance width may be reduced to 24 m. Survey Plan P753(A) was prepared outlining the lands required for road allowance widening purposes. Therefore, we recommend, as a condition of development approval, that lands shown as road widening on Main Street adjacent to the subject lands be dedicated to the Region (plan attached). In addition, the minimum designated road allowance widths of roadways under the City of Hamilton jurisdiction is 15.24 m (50 feet). According to our records, the existing width of George Street is 12.03 m (39.48 feet). We therefore, recommend as a condition of development approval, that a road allowance widening of 1.603 m (5.26 feet) adjacent to the lands on George Street be dedicated to the City of Hamilton."

- The Hamilton-Wentworth Department of Social Services has advised as follows:

"The development in question would appear to have positive and negative aspects:

On the positive side:

1. The location is close to bus routes and downtown amenities.
2. The developers appear to be reputable and experienced.

On the negative side:

1. Main Street is heavily travelled by trucks and cars and is very noisy.
2. The location is very close to three large high-rise seniors' apartments, and another retirement home at 36 Queen Street South. Such a concentration of older persons in one small area may not be wise.
3. There are many commercial retirement homes in our Region, and most are licenced by the City of Hamilton as Second Level Lodging Homes. These homes house elderly persons, as well as developmentally and psychiatrically handicapped persons. In addition, we are aware of at least two new ones that are now nearing occupancy stage. When there is heavy competition among homes for residents, marginal homes have financial problems and this reflects in the quality of care that they provide. Too many homes, consequently, means that vulnerable residents who need supervised living are not likely to get attention they require.

Since we have no details on the development that is proposed, it is not possible to make any further comments."

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the intent of the approved Central Neighbourhood Plan. Furthermore, the proposal implements the Urban Design policies of the Central Area Plan, (i.e. designed and constructed in such a manner which will be compatible with the surrounding streetscape).
3. For the purpose of this application and the Zoning By-law, the use will be considered a "lodging house".
4. The proposal has merit and can be supported for the following reasons:
 - there is a growing demand for this type of retirement facility due to the aging of the population;

- the site is ideally situated in the core area of the City where various types of residential development are encouraged to locate, in close proximity to bus routes; shopping; churches; medical offices; public buildings, restaurants and other places of entertainment;
 - the proposed retirement development should not adversely affect the traffic in the area as it is likely to generate limited traffic movements; and,
 - the property is situated in an area which permits reduced parking for multiple residential development.
5. The front half of the site in question is currently zoned "HI" (Civic Centre Protected) District which would permit much more intense development with a maximum gross floor area of 8 times the lot area, up to 18 stories with no required side yards above the 4th floor level), whereas the "E-3" (High Density Multiple Dwellings) District is limited to multiple dwellings with a maximum of 2.55 ft. coverage and up to 18 stories high, with commercial uses serving only the residents of the apartment provided that there are more than 100 apartment units in the complex.
6. Based on the preliminary site plan submitted the following variances have been identified:

(i) Section 11.(1)(v) Permitted Uses

To permit a lodging house consisting of a maximum of 96 rooms for the accommodation of elderly persons, of at least 55 years of age.

Taking into consideration the nature and type of development proposed, it would be appropriate to consider the proposed use as a "lodging house". Given that the subject lands are located in the core area of the city, the requested variance can be supported.

(ii) Section 11C(2)(a) Minimum Front Yard
Section 11C(2)(b) Minimum Side Yard

	<u>Required</u>	<u>Proposed</u>
Front Yard	5.96 m (19.56 ft.)	"0" m
Side Yard		
- Hess Street South	7.5 m (24.6 ft.)	"0" m
- Easterly side yard	7.0 m (22.9 ft.)	"0" m

The above variances can be supported for the following reasons:

- a) The proposed building (i.e. 6 storeys) has a limited bulk and a density much lower than the maximum permitted density;
- b) The development is in an urban type setting; and,

- c) City Council recently passed a By-law to reduce the front and side yard requirements for a proposed 18 storey development on adjoining lands to the east located within an "HI" District.

(iii) Section 11C (4) Maximum Permitted Gross Floor Area

A maximum gross floor area ratio of 3.05 or 5,574 m² (60,000 sq. ft.) is proposed, whereas the Zoning By-law provides for a gross floor area ratio of 1.838 or 3,359.6 m² (36,163.6 sq. ft.).

The requested variance can be supported given that part of the subject lands and the adjoining lands to the east are located within an "HI" (Civic Centre Protected) District which permits a much higher density of development (i.e. 8 times coverage).

(iv) Section 11C(5) Landscaped Area = 40% of Lot Area

<u>Required</u>	<u>Proposed</u>
731.16 m ² (7,870.4 sq. ft.)	278.7 m ² (3,000 sq. ft.)

The requested variance can be supported on the basis that the proposed development is situated in close proximity to various cultural and recreational facilities which could provide ample opportunity for leisurely type activities;

(v) Section 11.(1)(xi) Accessory and Incidental Uses

The applicant proposes to have a tuck shop and beauty parlour for the use of the residents. Because the Zoning By-law only permits a tuck shop and beauty parlour in a multiple dwelling having more than 100 units, a variance is required.

Such a variance can be supported since it is minor in nature and it is considered an amenity for elderly people who may have difficulty walking.

The proposal also incorporates an identification sign to be located on the building face or in front of the building having an area of 1.0 m² (10.76 sq. ft.) as opposed to 0.4 m² (4.31 sq. ft.) required by the By-law.

The requested variance can be supported for the following reasons:

- a) The adjoining "HI" District permits a wide range of signs (i.e. up to 5.0 m or 53.82 sq. ft.); and,
- b) The required variance is considered to be minor in nature.

(vi) Section 18A Parking and Loading Requirements

As set out in Table 1(j) of the Parking and Loading Regulations, a lodging house requires a minimum of one parking space for two persons lawfully accommodated. The applicant proposes 37 parking spaces of which only 27 are legal spaces. Taking into consideration that the proposal would be similar in nature to a Home for Elderly Persons which requires a minimum of 0.3 m spaces per dwelling unit, a minimum of 32 parking spaces would be required.

The requested variance for five parking spaces can be supported for the following reasons:

- The site is located within an area of reduced parking for multiple residential dwellings (0.8 of a space per class "A" dwelling unit); and,
- The proposal is a home for the elderly. As such, many of the residents would likely not require any parking.

(vii) Section 18A(10) Manoeuvring Space for required Loading Space

The applicant has provided a loading space in the access driveway to the parking garage. However, the loading space will obstruct the 10 outdoor parking spaces during any loading operation.

The requested variance can be supported for the following reasons:

- a) The applicant has advised that deliveries to the facility generally will be done on a weekly basis;
- b) Except for during the initial occupancy stage, the proposed loading space should not be used frequently; and,
- c) A loading bay is to be provided from of Hess Street South for drop-off of small goods, as well as taxis, ambulances and passenger pick-up.

(viii) Sections 18A(11)(a) and (b) Set-back of parking and loading area from adjoining residential district

Section 18A(12)(a) and (b) Required Planting Strip adjacent to a residential district

The applicant proposes a surface parking and loading area adjacent to George Street without providing the necessary 1.5 metre setback from the adjoining residential district. In addition, the parking and loading area located within 3.0 m of the adjoining "E-3" residential district does not provide for a front yard setback as required by Section 18(A)(11)(a) and (b) of the Zoning By-law.

In addition, the proposal does not provide the required landscaped planting strip required by Section 18(A)(12)(a) and (b) on either side of the surface parking lot and loading area adjacent to George Street.

The foregoing variances can be supported for the following reasons:

- a) The lands immediately to the east are to be used as an access driveway to a proposed 18 storey commercial and apartment complex;
 - b) The parking and loading area adjoins the rear yard of the property to the west which is occupied by a commercial/residential use; and
 - c) The applicant intends to provide a visual barrier along both sides of the surface parking area adjacent to George Street in accordance with By-law requirements.
7. The property is subject to the provisions of Site Plan Control By-Law 79-275. In this regard, the applicant is required to submit detailed site plans for the approval of the Planning and Development Committee prior to the issuance of a building permit.

CONCLUSION

On the basis of the foregoing, the application can be supported.

G.A.W.:nd

W.P. DOC. 0621P

19.

F O R A C T I O N

FROM Planning and Development Department

DATE July 10, 1987

TO Planning and Development Committee

Refer To File No. ZA 87-53

(DA-87-36)

Kernighan Neighbourhood

NOTE: NOT FOR A PUBLIC MEETING

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning for the property located at No. 1150 Upper James Street, on the following basis:

Block "1": Change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;

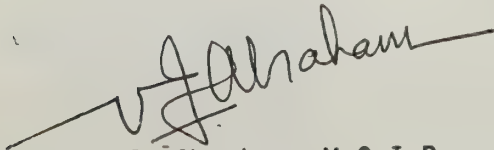
Block "2": Change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District.

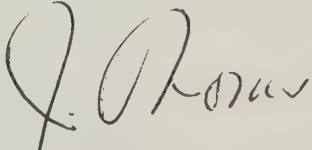
The purpose of the proposed change in zoning is to permit the development of the subject lands for a one storey, 743.2 m² (8,000 sq. ft.) office retail plaza.

RECOMMENDATION

That Zoning Application 87-53, Goodbram Investments Limited, owner, requesting a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District to permit the development of the subject lands for a one storey, 743.2 m² (8,000 sq. ft.) office retail plaza for the property located at No. 1150 Upper James Street, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

- a) It is located within the limits of the property required for the approved future Upper James Street interchange and the East-West Transportation facility. Consequently, any development permitted within this roadway designation will seriously impact on the Region's construction of the Freeway.
- b) It does not comply with the Region of Hamilton-Wentworth and the City of Hamilton Official Plans.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Goodbram Investments Limited

LOT SIZE AND AREA

- o 39.62 m (130 ft.) of lot frontage;
- o 99.06 m to 177.7 m (325 ft. to 583 ft.) of lot depth;
- o 1.3 ha (3.23 ac.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single family dwelling, vacant	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Freeway, single family dwellings	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District
to the south	Single family dwelling	"AA" (Agricultural) District "C" (Urban Protected Residential, etc.) District "G-3" (Public Parking Lot) District "HH" (Restricted Community Shopping and Commercial, etc.) District
to the east	Commercial	"HH" (Restricted Community Shopping and Commercial, etc.) District
to the west	Vacant	"AA" (Agricultural) District

CITY OF HAMILTON OFFICIAL PLAN

The subject lands are located within the right-of-way for the Mountain Freeway. These lands are designated "Utilities" on Schedule "A". The primary permitted uses include passenger terminals, warehousing, electric power facilities and major road facilities. The proposal does not comply with the Official Plan.

REGION OF HAMILTON-WENTWORTH OFFICIAL PLAN

The subject lands are located within the interchange of the proposed Mountain Freeway. The Plan contains policies to protect these areas from development. The proposal conflicts with the Regional Official Plan.

NEIGHBOURHOOD PLAN

There is no approved plan for the Kernighan Neighbourhood.

COMMENTS RECEIVED

- o The Building Department has advised that this land may be required for the proposed Mountain Freeway.

- o The Traffic Department has advised that:

"The subject lands are located within the limits of the property required for the future interchange of Upper James Street and the Mountain Freeway. The proposed change in zoning to permit a commercial development would compromise the construction of the interchange and therefore, cannot be supported."

- o The Hamilton Region Conservation Authority has no objections.

- o The Hamilton-Wentworth Engineering Department has advised that:

"The subject lands are almost entirely contained within the area required for the future interchange of the East-West Transportation Facility and Upper James Street. This road construction project has received Regional Council approval and has been approved by the Ontario Cabinet. We therefore strongly recommend that this application for rezoning be DENIED as the development of these lands will seriously impact on the Region's roadway construction."

COMMENTS

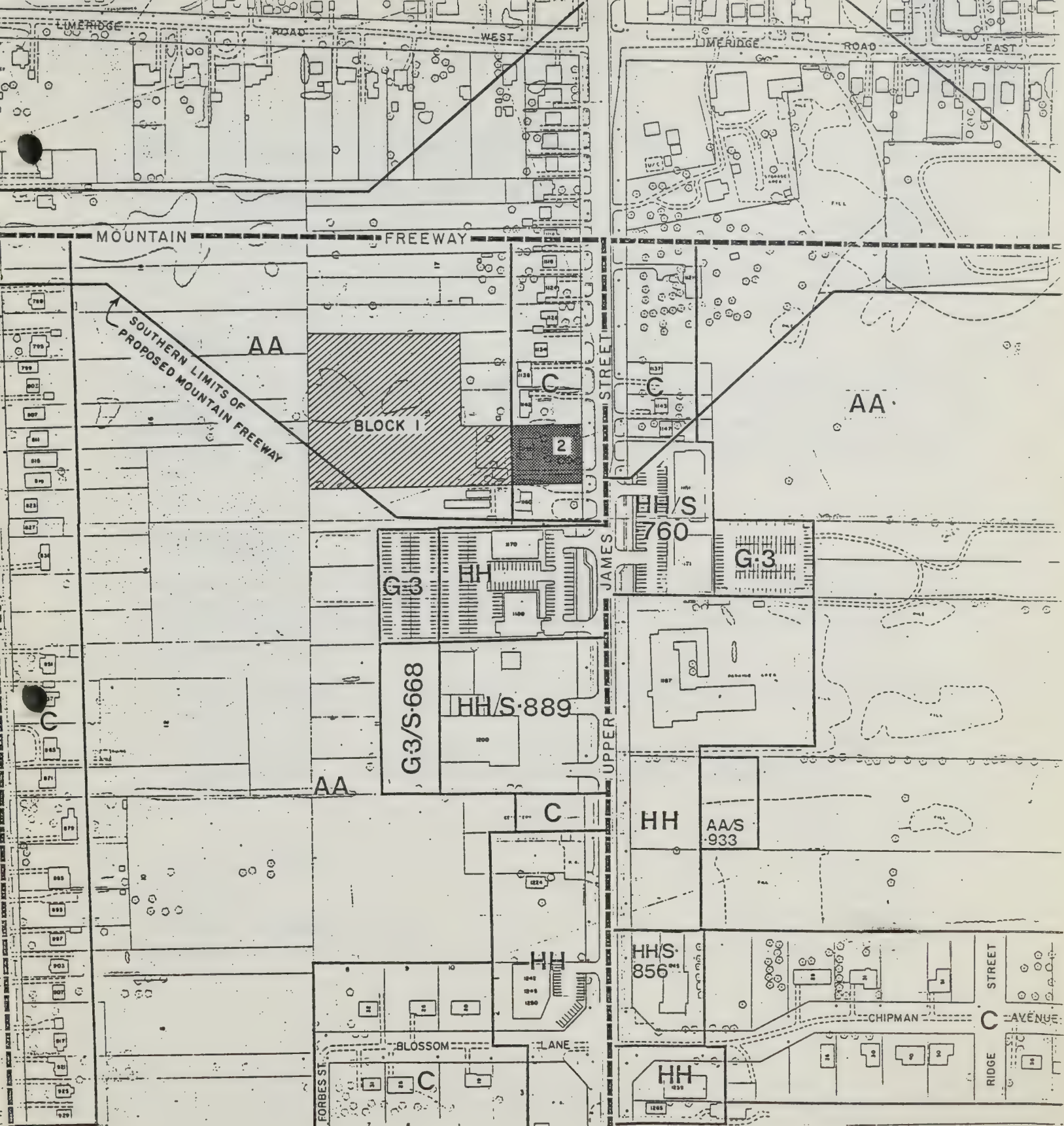
- 1) The proposal does not comply with the City of Hamilton and Hamilton-Wentworth Official Plans.
- 2) There is no approved Kernighan Neighbourhood Plan.
- 3) The proposal cannot be supported for the following reasons:
 - a) it is located within the limits of the property required for the approved future Upper James Street interchange and the East-West Transportation facility. Consequently, any development permitted within this roadway designation will seriously impact on the Region's construction of the Freeway.
 - b) it does not comply with the Region or Hamilton-Wentworth and City of Hamilton Official Plans.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

JH:cs
Attach.

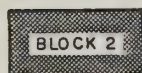
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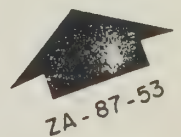
LEGEND



CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT.



CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT.



FOR ACTION

20.

FROM Planning and Development Department

DATE July 21, 1987

TO Planning and Development Committee

Refer to File No. DA-87-42
ROLSTON
NEIGHBOURHOOD

Attention Of V. J. Abraham

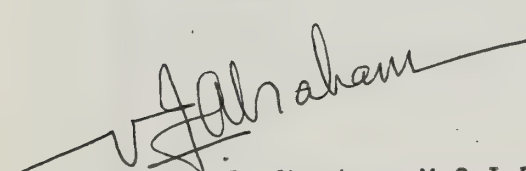
PROPOSAL

Plans have been submitted for construction of a 62 unit condominium apartment development to be located at 200 Limeridge Road West. The Site Plan Application deals only with grading and landscape treatment of the site. The Site Plan showing the building location and parking layout is contained in Schedule "B" of By-law No. 68-156.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-42 by Ed Robinson Properties Ltd., owners, of lands located at 200 Limeridge Road West for the landscape and grading plans for a 62 unit condominium apartment development subject to the following:

- 1) modification to the plans related to dimensions, notes and landscaping as marked in red on the plans; and,
- 2) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.


Victor J. Abraham, M.C.I.P.
Director of Local Planning

This is a detailed cadastral map of a residential area in Perth, Australia. The map shows various lots, streets, and public facilities. Key features include:

- Streets:** ROLSTON DRIVE, BURRWOOD DRIVE, ELKWOOD DRIVE, CORAL RIDGE COURT, MOUNTBATTEN DRIVE, JAMESTON STREET, WEST, GARNETT AVE., MOUNTAIN FREEWAY, MACLAUDERS, PIPER PLACE, FIONA CRESCENT.
- Public Facilities:** WESTVIEW PUBLIC SCHOOL, ST. JAMES' SEPARATE SCHOOL.
- Lots and Blocks:** S-84, S-46, AA, E/S 69a, C/S 69a, DE-2/S-76a, DE/S-112, RT-20/S-351, D/S-117, D/S-111, D/S-152, D/S-121, D/S-120, D/S-314, D/S-310, S-489, D/S-211, D/S-261, P-4, D/S-628.
- Other labels:** TALISMAN CT, SARASOTA, BURRWOOD, CORAL RIDGE COURT, ELKWOOD DRIVE, MOUNTBATTEN DRIVE, JAMESTON STREET, WEST, GARNETT AVE., MOUNTAIN FREEWAY, MACLAUDERS, PIPER PLACE, FIONA CRESCENT.

PLAN SHOWING
LANDS SUBJECT TO

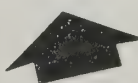
SITE PLAN CONTROL
APPLICATION DA-87-42

Regional Municipality of Hamilton-Wentworth
Planning and Development Department



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-42

Drawing No.
87-H-43

21.

F O R I N F O R M A T I O N

FROM Planning and Development Department

DATE July 29, 1987

TO Planning and Development Committee

Refer to File No.

DA-87-37
DA-87-39
DA-87-40
DA-87-41
DA-87-46
DA-87-47
DA-87-53
DA-87-57

Attention Of

V. J. Abraham

BACKGROUND

The attached Site Plan Control Applications have been approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

JPS/jd

W.P. DOC. 0390P

FOR ACTION

FROM Planning and Development Department

DATE July 20, 1987

TO Planning and Development Committee

Refer to File No. DA-87-37
(ZA-86-56)
AINSLIE WOOD EAST

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for a 47 unit condominium apartment complex to be developed on lands located on the north side of the T.H. & B. Railway Company lands between Broadway Avenue and Bowman Street. The 2 three storey brick structures are located adjacent to Broadway Avenue. One structure will have 27 units and the other will have 18 units.

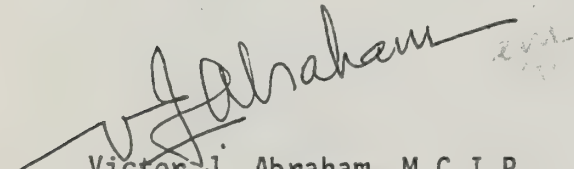
Parking is provided in two areas with one parking area for 27 vehicles accessible from Broadway Avenue and a separate parking area from Bowman Avenue for another 24 vehicles.

Landscape plantings are provided throughout the site.

RECOMMENDATION

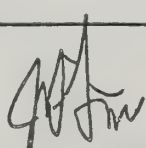
That approval be given to Site Plan Control Application DA-87-37 by Freure Homes Limited, owner of the lands at 101 Broadway Avenue, for development of a 47 unit condominium apartment complex subject to the following:

- a) modification to the plans related to dimensions and notes as marked in red on the plans; and,
- b) submission of a revised landscape plan to the satisfaction of the Director of the Planning and Development Department.

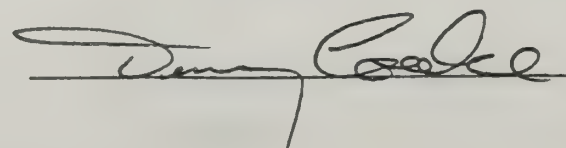

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman


July 24/87.

Alderman Terry Cooke
Ward Alderman



VJA/JPS/jd
W.P.DOC.0390P



2 AINSLIE WOOD EAST

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-37

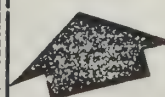
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-37

Drawing No.
87-H-39

F O R A C T I O N

FROM Planning and Development Department

DATE July 23, 1987

TO Planning and Development Committee

Refer to File No. DA-87-39

Attention Of V. J. Abraham

PROPOSAL

A verbal request has been made by Sears Canada Ltd. to re-evaluate the condition of approval of Site Plan Control Application DA-87-39 which requires the dedication of lands adjacent to Barton Street East.

This involves a widening of 6.096 m by approximately 236 m and a 10 m x 10 m daylight triangle. The particular development of Burger King involves a street frontage along Barton Street East of approximately 42.38 m.

Sears Canada Ltd. has indicated that the Burger King development is a relatively minor addition to the existing centre and that the dedication of such a large parcel of land is inappropriate.

RECOMMENDATION

That in regard to Site Plan Control Application DA-87-39 by Nysar Management Corp. (Burger King), Licensee of a portion of the property at the north-west corner of Barton Street East and Kenilworth Avenue North, condition (d) of the report of June 22, 1987 approved on June 26, 1987 be modified to read as follows:

- (c) dedication to the Region of Hamilton-Wentworth of a road allowance widening of 6.096 m (20 ft.) along Barton Street East adjacent to the proposed Burger King development (approximately 42.38 m) and a 10 m x 10 m daylight triangle at the corner of Barton Street East and Kenilworth Avenue North;

and further,

that in order to expedite the proposal, a letter of undertaking be accepted from Sears Canada Ltd. to finalize the road widening.

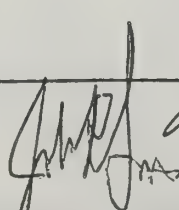
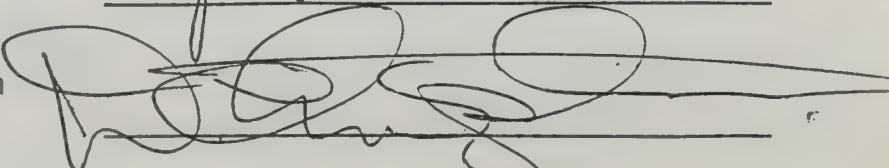

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman

Alderman Dave Christopherson
Ward Alderman

VJA/JPS/jd



July 24/87.

PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-39

Regional Municipality of Hamilton-Wentworth
Planning and Development Department



SITE OF THE DEVELOPMENT

Date
AY, 1987

Reference File No.
DA-87-39

Drawing No.
87-H-40

FROM	<u>Planning and Development Department</u>	DATE	<u>July 23, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	DA-87-40 (CI-86-T) STRATHCONA NEIGHBOURHOOD
		Attention Of	V. J. Abraham

Plans have been submitted for a 22 unit condominium apartment and commercial complex to be located on the north side of York Boulevard between Magill and Crooks Street.

The main building is three storeys high while an additional floor is provided at the ends of the building. An underground level contains 23 parking spaces which are accessible from Magill Street.

That approval be given to Site Plan Control Application DA-87-40 by 591613 Ontario Inc., owner as under offer to purchase dated September 25, 1986 of lands on the north side of York Boulevard, between Magill and Crooks Streets for a commercial/residential complex subject to the following:

- a) final approval of By-law No. 87-78;
- b) modification to the plan related to dimensions, notes, step relocation and fencing as marked in red on the plans;
- c) submission of a revised landscape plan to the satisfaction of the Director of the Planning and Development Department;
- d) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

Victor J. Abraham, M.C.I.P.
Director of Local Planning

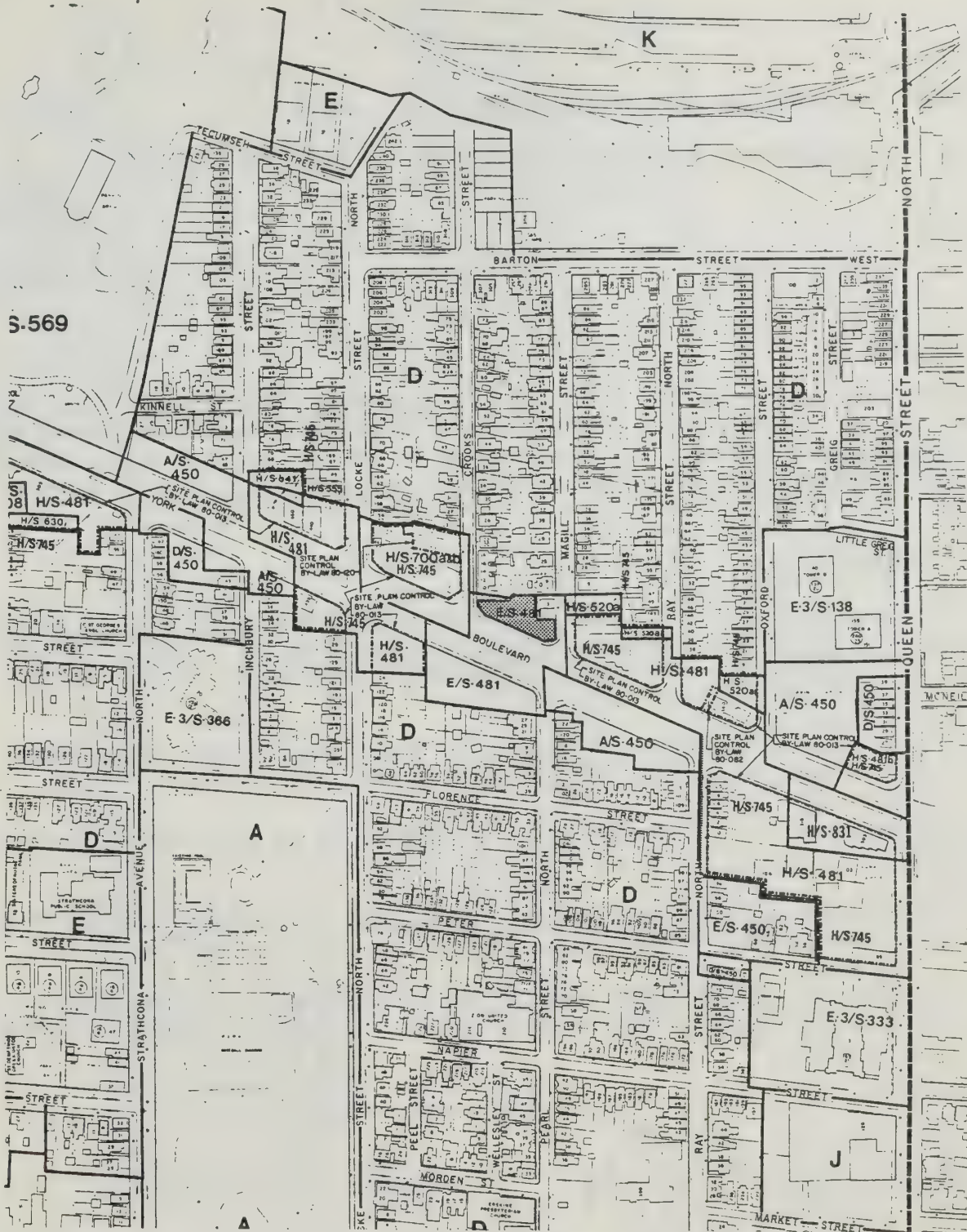
Approved On:

Alderman John Smith
Chairman

Alderman Terry Cooke
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

July 24/87.
John
Tom Cook



127 STRATHCONA

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-41

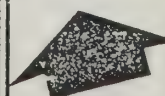
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-40

Drawing No.
87-H-41

F O R A C T I O N

JUL 10 1987

FROM Planning and Development Department

DATE

July 6, 1987

TO Planning and Development Committee

Refer to File No.

DA-87-41

GREENFORD

NEIGHBOURHOOD

Attention Of

V. J. Abraham

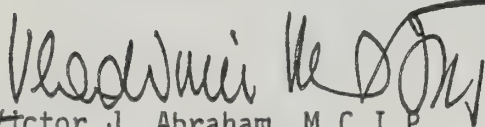
PROPOSAL

Plans have been submitted for a 47 unit apartment development to be located at 28, 32, 34 and 40 Clapham Road. The six storey apartment development will accomodate low income, single women over 40 years. A total of 59 parking spaces are provided on the site.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-41 by Women's Community Co-operative Homes Inc., prospective owner of lands at 28, 32, 34 and 40 Clapham Road, for a 47 unit apartment development subject to the following:

- a) modification to the plans related to dimensions, notes, landscaping, visual barrier and access as marked in red on the plans;
- b) provision of the required front and side yard as noted by the Building Department;
- c) submission of a revised parking layout plan to the satisfaction of the Director of Traffic Services; and,
- d) submission of a detailed plan of the proposed wood tie retaining wall to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

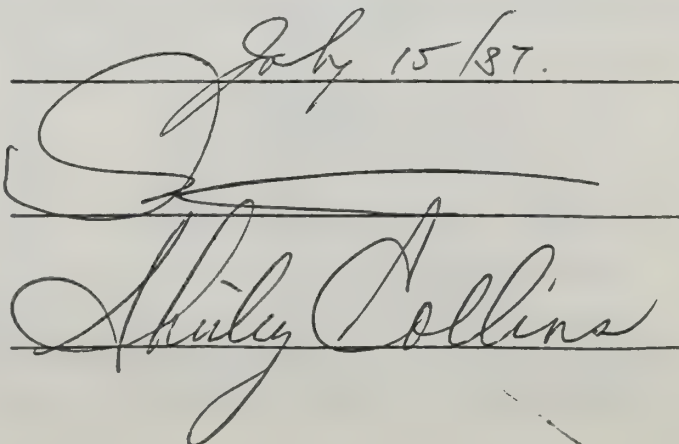
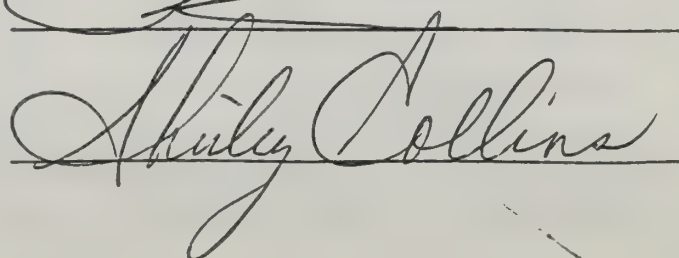

FOR Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

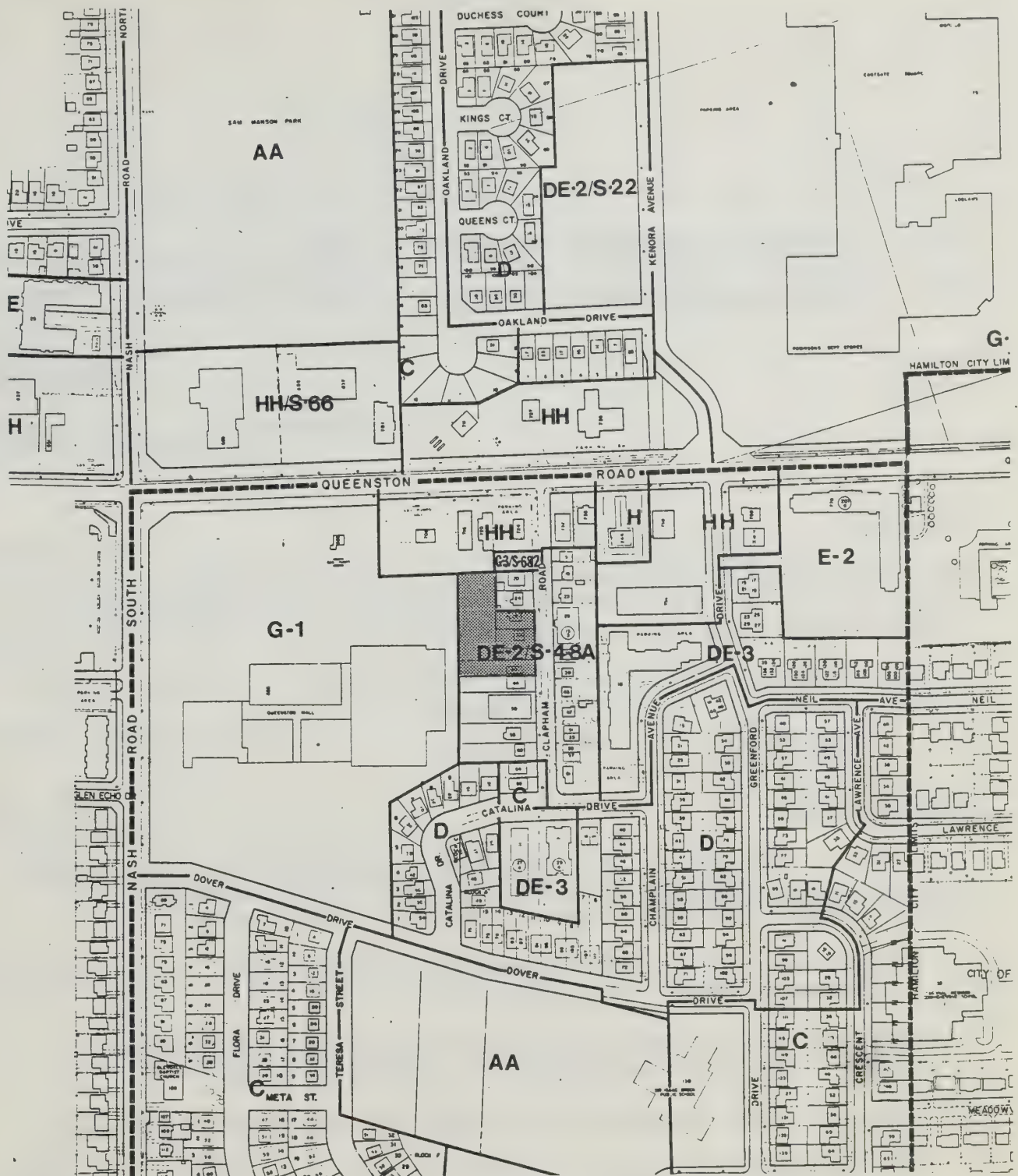
~~ALDENHAM DON ROSS.~~
~~Alderman John Smith~~
ACTING Chairman

Alderman Shirley Collins
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P


July 15/87.


85 KENTLEY



55 GREENFORD

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-41

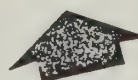
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-41

Drawing No.
87-H-42

F O R A C T I O N

FROM	<u>Planning and Development Department</u>	DATE	<u>July 22, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	DA-87-46 (ZA-85-110) GERSHOME <u>NEIGHBOURHOOD</u>
		Attention Of	V. J. Abraham

PROPOSAL

Plans have been submitted for a commercial complex consisting of a 6 bay car wash, a gas bar and a "Tim Horton's" outlet to be located at the south-east corner of King Street East and Greenhill Avenue.

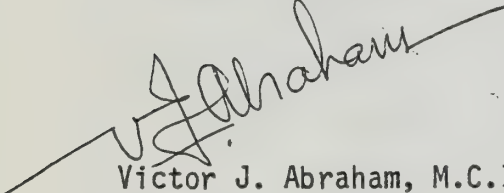
A total of twenty parking spaces are provided on the site with access from both King Street East and Greenhill Avenue.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-46 by 596361 Ontario Limited, owner of the lands at 2804-2810 King Street East, for development of a commercial complex subject to the following:

- a) modifications to the plans related to dimensions, notes, landscaping and grading as marked in red on the plans;
- b) provision of a 3 m wide planting strip and visual barrier along the southerly property line adjacent to residential lands;
- c) approval by the Committee of Adjustment for the following variances:
 - (i) to permit the canopy to be constructed 1.8 m instead of the required 12 m from the front lot line;

- (ii) to permit signage on the canopy to be located 1.8 m from the front lot line; and,
- d) finalization of the purchase of Part 1 on Survey Plan No. RA-H-212 from the City of Hamilton..

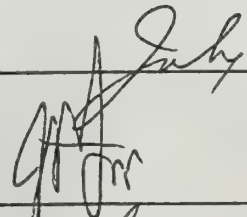
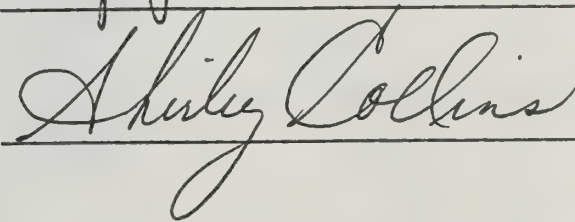

Victor J. Abraham, M.C.I.P.
Director of Local Planning

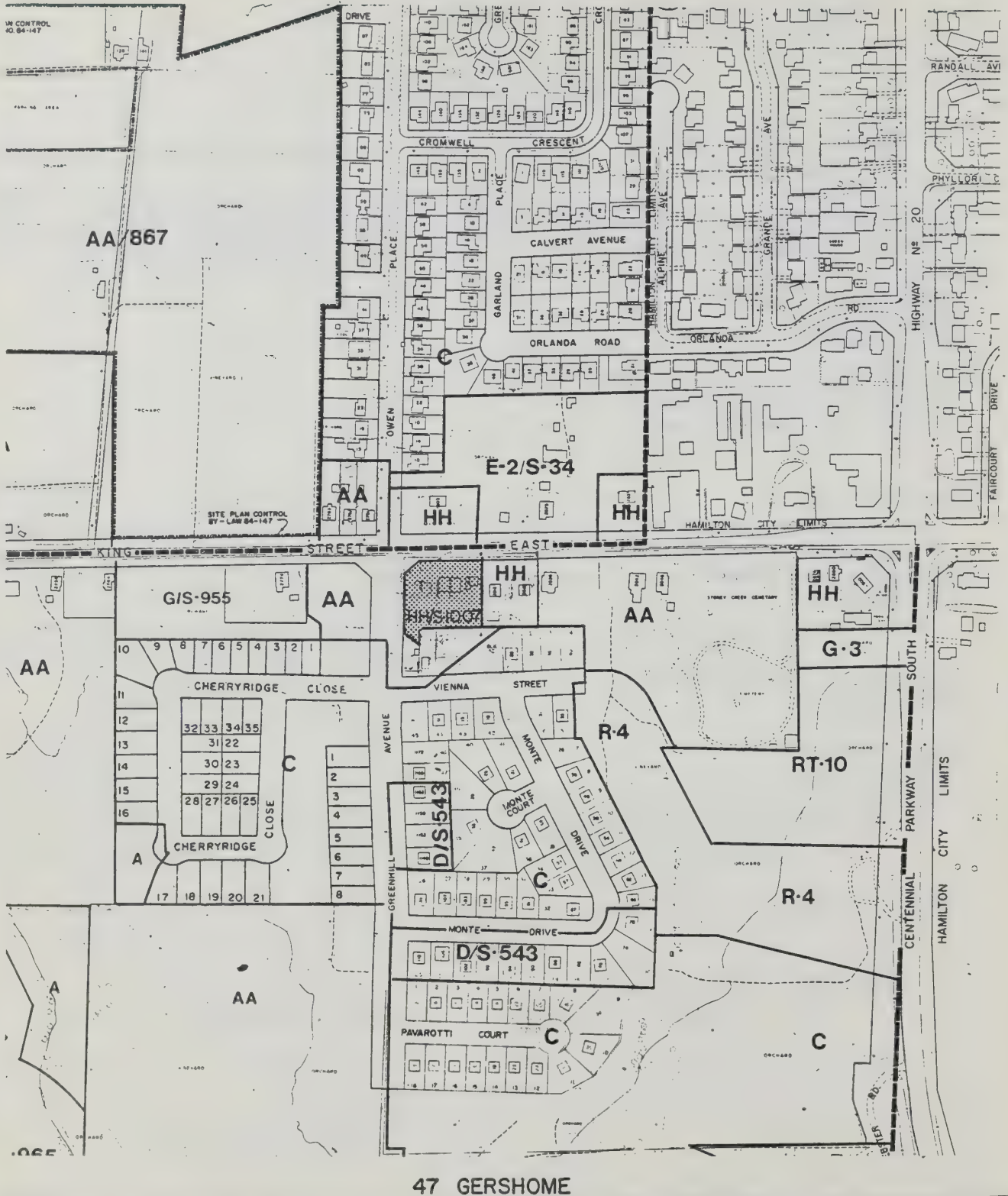
Approved On:

Alderman John Smith
Chairman

Alderman Shirley Collins
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P


July 24/87.




47 GERSHOME

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-46

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

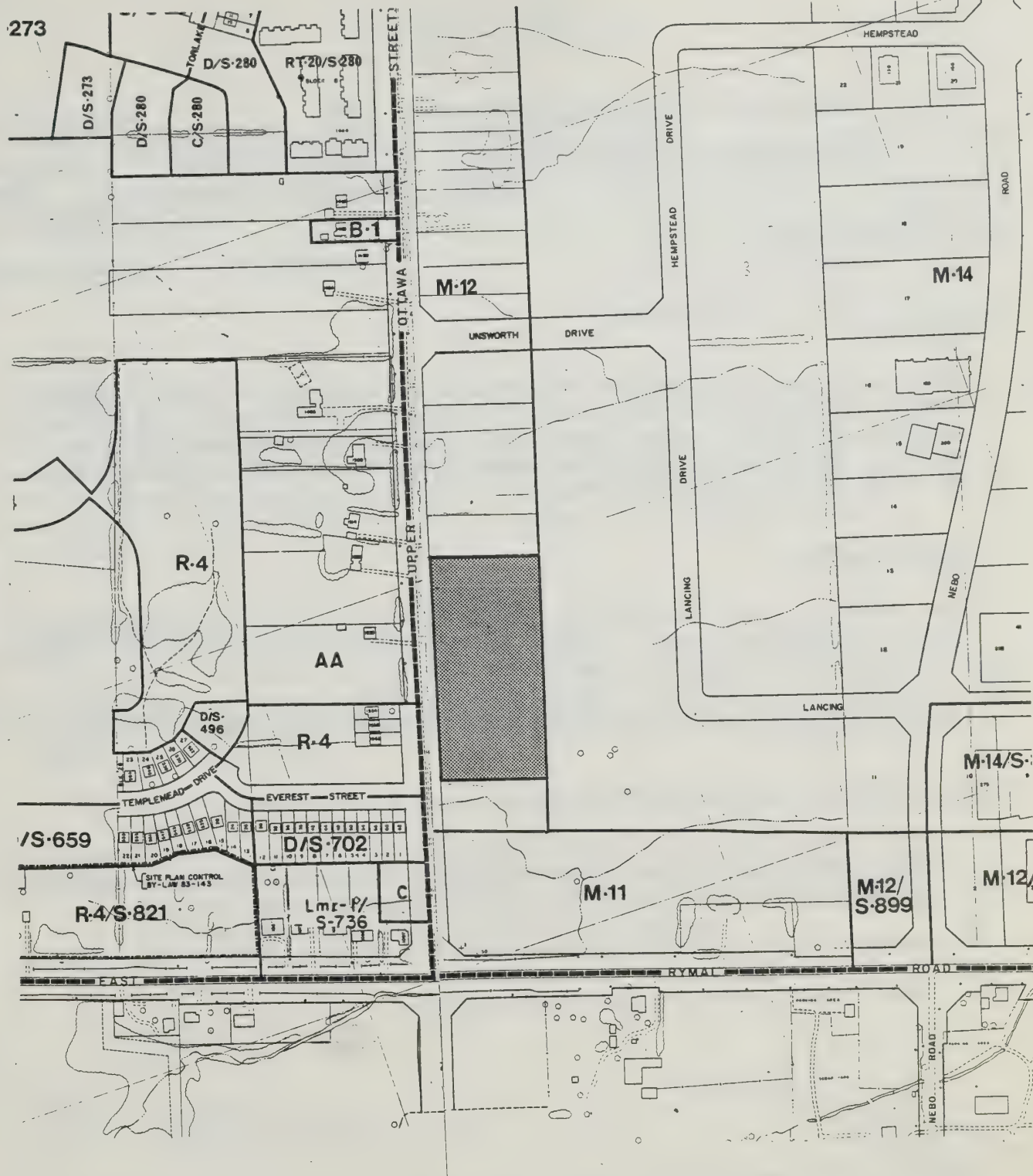
Date
MAY, 1987

Reference File No.
DA-87-46

Drawing No.
87-H-46

129 TEMPLEMEAD

120 RYMAL



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-47

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-47

Drawing No.
87-H-47

F O R A C T I O N

FROM Planning and Development Department

DATE July 21, 1987

TO Planning and Development Committee

Refer to File No. DA-87-47
RYMAL
NEIGHBOURHOOD

Attention Of V. J. Abraham

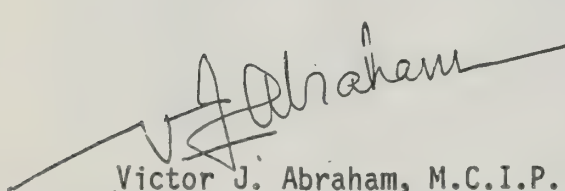
PROPOSAL

Plans have been submitted for construction of a commercial complex (i.e. banquet facility) to be located at 1555 Upper Ottawa Street. The one-storey building will have a gross floor area of approximately 7300 m² (78579 sq.ft.). A total of 305 parking spaces are provided and one loading space on the north side of the development.

RECOMMENDATION

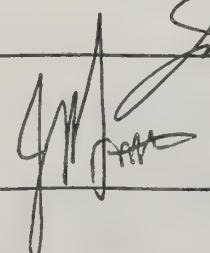
That approval be given to Site Plan Control Application DA-87-47 by Mario Miceli, prospective owner, of lands at 1555 Upper Ottawa Street for a banquet facility, subject to the following:

- 1) modification to the plans related to dimensions and notes as marked in red on the plans;
- 2) provision of two loading spaces of 3.7 m x 18.0 m each;
- 3) provision of note on the plan indicating that details of the capacity of the banquet facility will be provided at the time of the Building Permit to the satisfaction of the Building Department; and,
- 4) submission of a revised grading plan to include details of the required storm retention pond to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.


Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman


July 24/87.

VJA/JPS/jd
W.P.DOC.0390P

F O R A C T I O N

FROM Planning and Development Department

DATE July 15, 1987

TO Planning and Development Committee

Refer to File No. DA-87-53
(DA-86-88)
Rymal Neighbourhood

Attention Of V. J. Abraham

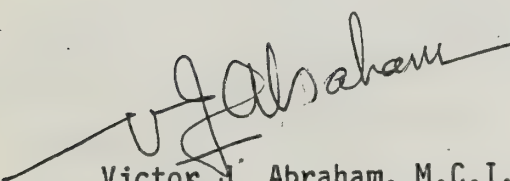
PROPOSAL

Plans have been submitted to amend the approved plans of Site Plan Control Application DA-86-88 for an addition on the north side of the existing retail and warehouse building at 55 Unsworth Drive. The proposed addition is approximately 291 m² (3135 sq. ft.). A total of 16 parking spaces are provided.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-53 by John and Barb Cunningham, owners, of 55 Unsworth Drive to amend approved plans of Site Plan Control Application DA-86-88 for an addition of approximately 291 m² subject to the following:

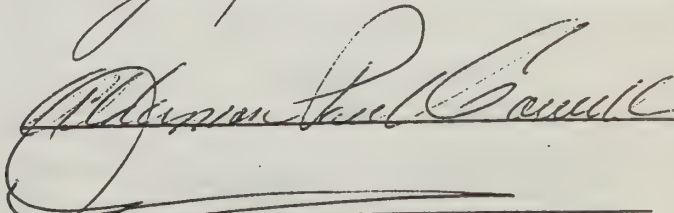
- 1) modification to the plans related to dimensions and notes as marked in red on the plans; and
- 2) submission of detailed calculations for the storm water ponds duly stamped by the Engineer to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

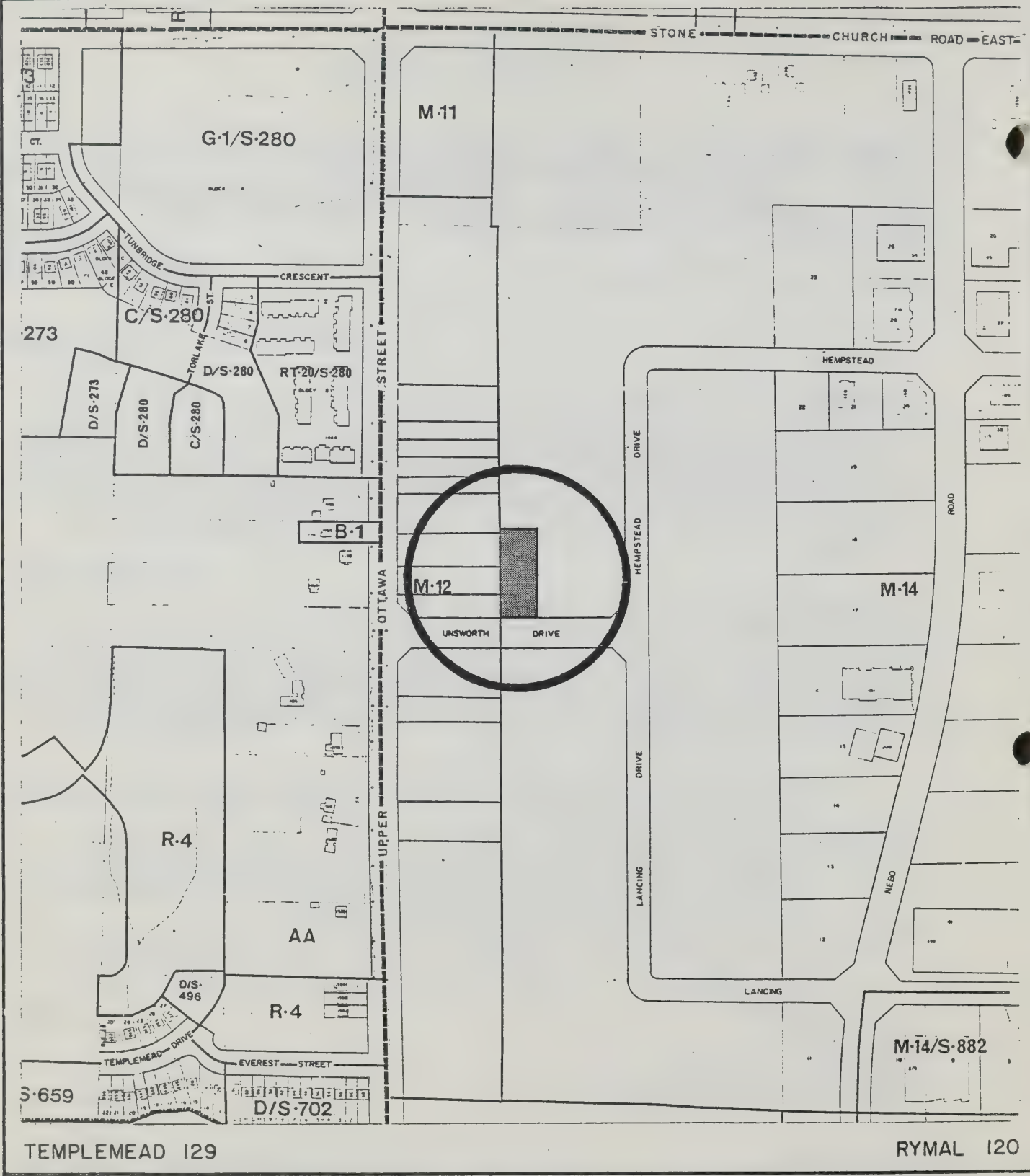

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

~~Alderman John Smith~~
~~Chairman and Ward Alderman~~
PAUL COWELL

ALDERMAN DON ROSS
ACTING CHAIRMAN.
VJA/JPS/KB/sdj
W.P.DOC.0390P

July 16/87.





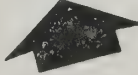
PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-53

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 SITE OF THE APPLICATION

 North	Scale 1 : 5000	Reference File No. DA-87-53
	Date JUNE, 1987	Drawing No. 87-H-55

F O R A C T I O N

FROM Planning and Development Department

DATE July 17, 1987

TO Planning and Development Committee

Refer to File No. DA-87-57
Rymal Neighbourhood

Attention Of V. J. Abraham

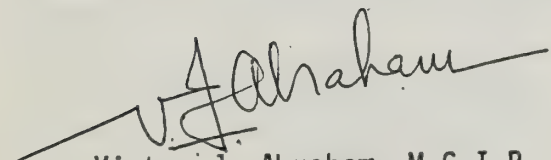
PROPOSAL

Plans have been submitted for a proposed warehouse and office development on the west side of Lancing Drive, south of Unsworth Drive. The building will have a total gross floor area of approximately 1773 m² (19085 sq. ft.). A total of 14 parking spaces are provided along the north and west side of the building and two loading spaces at the rear of the development.

RECOMMENDATION

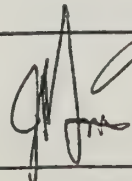
That approval be given to Site Plan Control Application DA-87-57 by Jover Steel Supply Ltd., prospective owners of lands on the west side of Lancing Drive, south of Unsworth Drive, for construction of a warehouse/office complex subject to the following:

- 1) modification to the Plans related to dimensions, notes and driveway as marked in red on the plans;
- 2) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- 3) provision of 16 parking spaces minimum instead of 14 proposed as required by the Building Department; and
- 4) submission of a revised landscaping plan to the satisfaction of the Director of Planning Department.

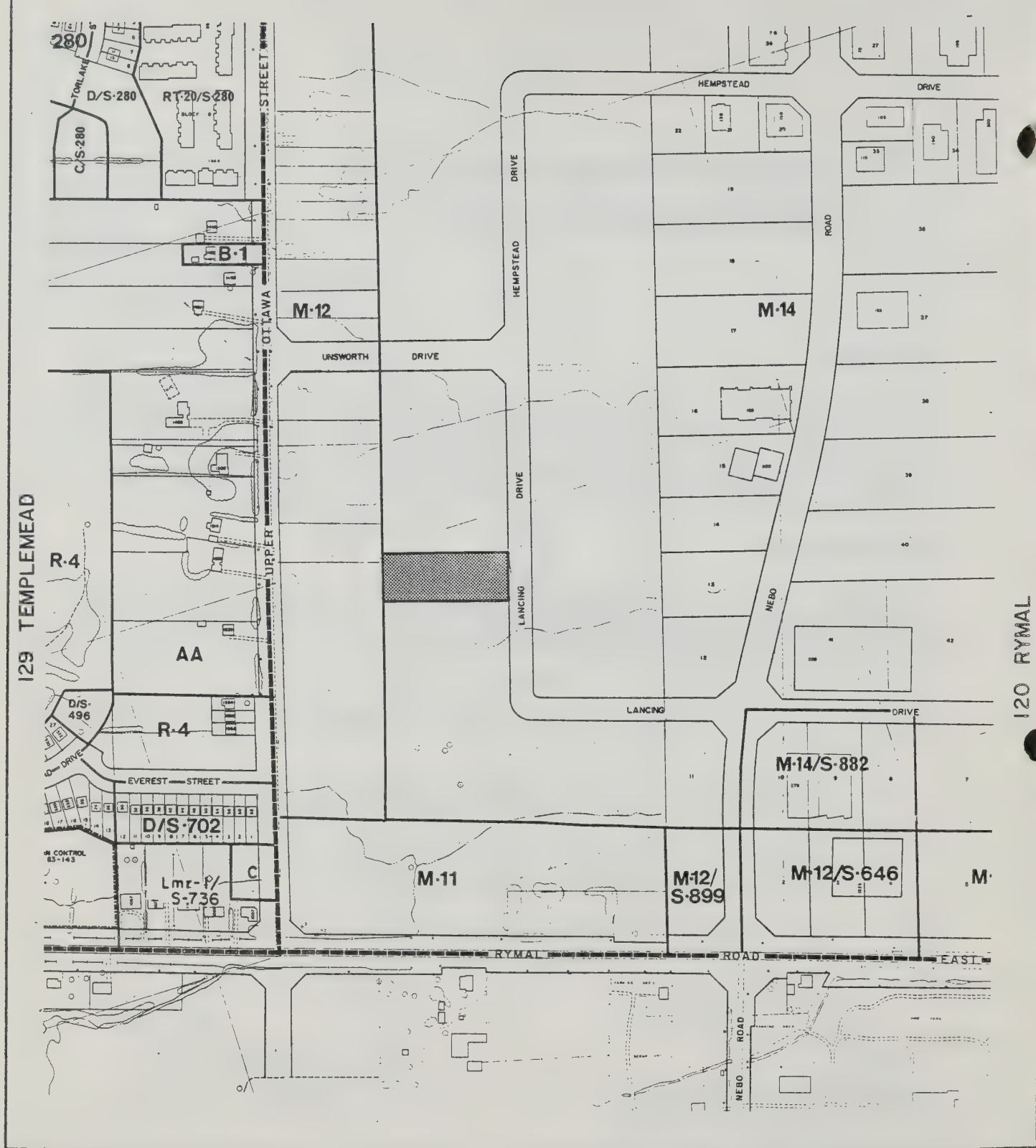

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman

 July 24/87

VJA/JPS/KB/s1
W.P.DOC.0390P



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-57

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
JUNE, 1987

Reference File No.
DA-87-57

Drawing No.
87-H-57

22.

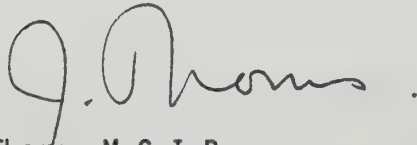
F O R A C T I O NFrom: PLANNING AND DEVELOPMENT DEPARTMENTDate: July 29, 1987To: PLANNING AND DEVELOPMENT COMMITTEERefer to File No. 25T-87016SA-87-13Attention: V. J. AbrahamSUBJECT

Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-87016, City of Hamilton File No. SA-87-13, to establish 5 lots for single-family dwellings and a block for future park access.

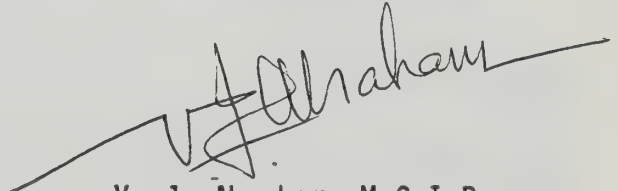
RECOMMENDATION

- a) That approval be given to Application SA-87-13, Thomas J. Cooper and Marjorie J. Cooper, owners, to establish a draft plan of subdivision at the west end of Kennedy Avenue south of Rymal Road West, subject to the following conditions:
1. That this approval apply to the plan prepared by Ashenhurst Nouwens Limited dated May 6, 1987, showing 5 lots and 1 block, revised by the widening of Block 6 to include 5% of the lands in the plan and a street rounding.
 2. That the road allowance be dedicated as public highway on the final plan.
 3. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes, said conveyance to comprise of Block 6.
 6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.
 8. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

9. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-13), Thomas J. Cooper and Marjorie J. Cooper, owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner, Planning and Development



V. J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

Owner

Thomas J. Cooper and Marjorie J. Cooper, Hamilton, Ontario.

Agent

G. F. Vulker, Hamilton, Ontario.

Surveyor

Ashenhurst Nouwens Limited, Hamilton, Ontario.

Location

The lands comprising 0.412 ha, are located at the west end of Kennedy Avenue south of Rymal Road West in the Kennedy East Neighbourhood, being part of Lot 4, Concession 1, Township of Glanford, now in the City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 5 lots for single-family dwellings and a block for future park access. The lots would be serviced from an extension of Kennedy Avenue creating a cul-de-sac bulb and would have a minimum width of 12.0 m and a minimum area of 450 m².

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Area". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - approval has been given through Zoning Application 87-08 to rezone the lands to "C" (Urban Protected Residential, etc.) District. The proposal complies.

Neighbourhood Plan - the lands are designated "Residential-single and double" and "Park & Recreational". The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment
Ministry of Natural Resources
Ministry of Citizenship and Culture (subject to standard archaeological conditions)
Hamilton Region Conservation Authority (subject to condition re: grading and drainage plan)
Ontario Hydro, Union Gas
City of Hamilton Board of Education
City Traffic Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1) The developer is to enter into Subdivision Agreements with the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
- 2) The proposed subdivision can be serviced from the existing sewers and watermain on Kennedy Avenue.
- 3) We do not expect to have any Regional share for sewers and watermains in this subdivision.
- 4) The south property line limit of Court "A" should be aligned with the south property line of Kennedy Avenue.
- 5) A 9m property line radius is required at the transition point where streets meet the "bulbs" at the end of cul-de-sacs.
- 6) If Block 6 is to be a walkway, it should be designated as such on the final plan.
- 7) The submitted plan as prepared by Ashenhurst Nouwens Limited and dated May 6, 1987 is satisfactory to the Departments of Transportation Services and Engineering, subject to the above-noted comments and recommendations."

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law (subject to amendment) is noted.
2. Block 6 (future park access) at the width proposed amounts to approximately 2.9% of the area of the lands. The approved neighbourhood plan shows the park access to be approximately 9.1m (30 feet) which would amount to 8.5% of the total area. A reasonable compromise would be to establish the block to include 5% of the lands, which produces a width of approximately 5.3 m (17.5 feet) and which would not seriously affect the size of the proposed lots.
3. Concern has been indicated by the owner of the lands abutting the west limit of the existing cemetery that his rear lands would become landlocked if no provision is made to extend the cul-de-sac or to provide a block of land over which access to two lots could be considered in the future. A review of the neighbourhood plan reveals that there are three, possibly four properties with extended rear yards which are affected. The attached sketch indicates one feasible way in which the rear lands of at least three of the properties (if the owners are at all interested) could be developed in the future without affecting the subject proposal.

CMD:dc

7625

REEDER

MATTINA

CEMETERY
0.60 Ac.

SUBJECT
LANDS

PARK &
RECREATIONAL

3.22 Ac. Net
3.75 Ac. Gross

45.10

773.5

770

65

772.5

767.5

60

745

752.5

147

141

133

127

120

116

112

108

119

115

111

120

114

110

104

23

F O R A C T I O N

FROM: Planning and Development Department

DATE: July 21, 1987

TO: Planning and Development Committee

Refer to File No.: P-7-3

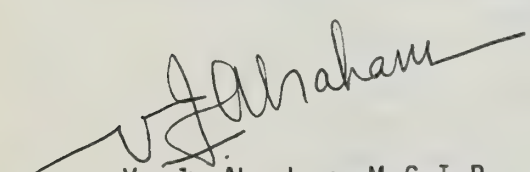
Attention Of: V. J. Abraham

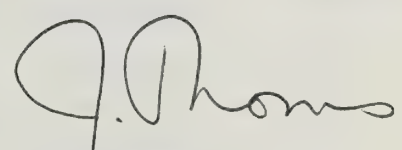
SUBJECT

Proposed modifications to the Hamilton-Wentworth Official Plan by the Minister of Municipal Affairs to bring the Official Plan into conformity with the Niagara Escarpment Plan.

RECOMMENDATION

That the Planning and Development Committee recommend to Council, that the City Clerk inform the Regional Municipality of Hamilton-Wentworth, that the City of Hamilton does not object to the proposed modifications by the Minister of Municipal Affairs, to bring the Hamilton-Wentworth Official Plan into conformity with the Niagara Escarpment Plan.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

The Minister of Municipal Affairs has proposed modifications to the Hamilton-Wentworth Official Plan which would bring the Official Plan into conformity with the Niagara Escarpment Plan as required under the Niagara Escarpment Planning and Development Act. The proposed modifications do not conflict with the planning intentions of the City of Hamilton. Since the Niagara Escarpment Plan takes precedence over both the Hamilton-Wentworth and City of Hamilton Official Plans, the proposed modifications would not change the effect of the Niagara Escarpment Plan on the City of Hamilton.

BACKGROUND

The Niagara Escarpment Plan was approved by the Lieutenant-Governor-in-Council in June of 1985. The Hamilton-Wentworth Official Plan was revised by Official Plan Amendment 17 as modified by the Minister of Municipal Affairs in December of 1986, to bring the rural policies of the Plan into conformity with the Niagara Escarpment Plan.

The proposed Minister's modifications to the Hamilton-Wentworth Official Plan (see Appendix) will bring the urban policy areas into conformity with the Niagara Escarpment Plan.

CONCLUSION

Since the Niagara Escarpment Plan takes precedence over the Hamilton-Wentworth and City of Hamilton's Official Plans, the proposed Minister's modifications to the Hamilton-Wentworth Official Plan should not change the effect of the Niagara Escarpment Plan on the City of Hamilton. The proposed modifications also conform to the City's planning intentions for the preservation and enhancement of the Niagara Escarpment.

DO:dkp

WP 0608P



APPENDIX "A"

APR 21 1987

Mr. J. Thomas

Office of the
Minister

Bureau du
ministre

Ministry of
Municipal
Affairs

Ministère des
Affaires
municipales

17th floor
777 Bay Street
Toronto, Ontario
M5G 2E5
(416)585-7000

777, rue Bay
17^e étage
Toronto (Ontario)
M5G 2E5
(416)585-7000

April 14, 1987

Mr. Wm. Sears
Chairman
Regional Municipality of
Hamilton-Wentworth
119 King St. West
Hamilton, Ontario
L8N 3V9

Lil
Dear Mr. Sears:

RE: Niagara Escarpment Plan Conformity

This is further to the meeting in October 1985 at which Mr. G. M. Farrow, Assistant Deputy Minister, and the Chairman of the Niagara Escarpment Commission met with Council to discuss the implementation of the Niagara Escarpment Plan.

As you may be aware, under Section 15 of The Niagara Escarpment Planning and Development Act, where I am of the opinion that an official plan is in conflict with the Niagara Escarpment Plan, I am required to advise council of the particulars of the conflict and to invite the submission of proposals to resolve the conflict within a specified time. In my opinion, there are some areas of conflict between the Hamilton-Wentworth Official Plan and the Niagara Escarpment Plan.

Accordingly, I am pleased to present to Council the attached report identifying the conflicts and suggesting how they might be resolved. If council has any proposals that it would like to submit in respect of the conflicts, I would ask that they be forwarded to me by July 30, 1987. If council concurs with the proposals attached and I am so advised, I will proceed to revise the official plan by Order under Section 15(2) of the Act.


Mr. W. Sears

I would also like to bring to your attention the provisions of Section 13(2) of the Niagara Escarpment Planning and Development Act, whereunder any municipal undertaking may be deemed not to conflict with the Niagara Escarpment Plan. If council concurs with the proposals to resolve conflict, council may wish to consider a resolution requesting that the Hamilton-Wentworth official plan, as amended, be deemed not in conflict with the Niagara Escarpment Plan.

I am particularly pleased that this conformity exercise was undertaken in a thorough and expeditious manner. The report is the result of a detailed review undertaken over the last few months by staff from the Hamilton-Wentworth Planning and Development Department, the Niagara Escarpment Commission, and the Ministry, and follows the successful inclusion of Niagara Escarpment Plan policies for the Rural Policy Areas by my approval of Amendment 17 in December of last year.

I would like thank your staff for the time and cooperation that made this exercise so successful.

Yours sincerely,



Bernard Grandmaître
Minister

PROPOSED AMENDMENTS TO THE
HAMILTON-WENTWORTH REGIONAL OFFICIAL PLAN
TO INCORPORATE THE
NIAGARA ESCARPMENT PLAN

CONFLICT RESOLUTION AND OFFICIAL PLAN CONFORMITY:

INTRODUCTION:

The policies of the Niagara Escarpment Plan, approved in June 1985 by the Lieutenant-Governor-in-Council, are the basis for maintaining the Niagara Escarpment as a continuous natural environment.

As required under the Niagara Escarpment Planning and Development Act all regional and local planning documents shall be amended to resolve conflicts with the Niagara Escarpment Plan.

PURPOSE:

The purpose of this exercise is to present to Regional Council the Minister's recommendations for proposed changes to the Official Plan in order to bring the Hamilton-Wentworth Official Plan into conformity with the Niagara Escarpment Plan.

BACKGROUND:

The Hamilton-Wentworth Regional Official Plan was approved in March 1982. The regional plan's design is primarily policy oriented and, subsequently delegates detailed land use planning to the local area municipalities. Essentially the region provides direction through its policies to permit the local area municipalities to establish suitable development criteria based policies to implement the regional Official Plan policies.

OFFICIAL PLAN REVIEW:

Prior to the approval of OPA 17 (the Rural Area policies) reference to the Niagara Escarpment Plan was absent from the Official Plan. It was agreed by staff that the process to incorporate the Niagara Escarpment Plan into the Hamilton-Wentworth Official Plan would be two-phased:

Phase One: Incorporation of the Niagara Escarpment Plan into the Rural Policy Areas through Minister's modification of Official Plan Amendment No.17.

Amendment No.17 was approved in December 1986 by the Minister with modifications. The modifications to the amendment included: changes to existing policies and reference to the Niagara Escarpment Plan (NEP), establishment of the Escarpment landuse designations, standards for development, and permitted uses in the Rural Policy areas, identification of Greensville as a Minor Urban Centre, and introduction of new mapping to designate Niagara Escarpment Natural, Protection and Rural areas (Map 9) along with a modification to Map 8 that delineates the outer boundary of the Niagara Escarpment Plan area.

Phase Two: Incorporation of the Niagara Escarpment Plan for the Urban Policy Areas in the Hamilton-Wentworth official plan area, plus amendments to remaining portions of the official plan considered necessary, by Minister's Order under Section 15 of the Niagara Escarpment Planning and Development Act.

A working committee comprised of regional planning staff, the Niagara Escarpment Commission and the ministry was established to identify and resolve the remaining conflicts between the Official Plan and the Niagara Escarpment Plan. The result of these negotiations has produced the proposed changes described in the following and detailed in the attached draft Order, Appendix A.

PROPOSED MODIFICATIONS:

The changes proposed to be made by Minister's Order are intended to clarify and introduce new policies for the Urban Policy Areas component of the Official Plan designed in order to resolve conflict with the Niagara Escarpment Plan. They are consistent with the policies and intent of the Niagara Escarpment Plan.

Through negotiations with regional planning staff the integration of Niagara Escarpment Plan policy, objectives and mapping is consistent with the format of the Official Plan.

Modification 1 establishes Niagara Escarpment land use designations in the Official Plan's Urban Policy Areas (Escarpment Minor Urban Centres and Escarpment Urban Areas), standards for development, and identifies permitted uses for the Escarpment Natural and Protection areas in the Urban Policy Areas.

Modification 2 introduces general objectives for the Rural Policy Areas, Section 3.5, Escarpment Natural, Protection and Rural Areas. This policy is consistent in form and content with the objectives added by modification 1.

Modification 3 proposes to identify the Niagara Escarpment Parks System in the Hamilton-Wentworth planning area.

Modification 4 introduces the criteria for the interpretation of internal boundaries within the Niagara Escarpment Plan area.

Modification 6 modifies Map No. 8 to include the lands located within the Urban Policy area and changes the name of the map.

Modification 7 adds mapping to the Official Plan to recognize the Niagara Escarpment Plan in the region's Urban Policy Areas.

PROPOSED REVISIONS BY COUNCIL RESOLUTION

Revisions are also required in Section B - Provincial Policies Affecting the Region, to update reference to the Niagara Escarpment Plan and this conformity exercise. The section, however, does not form part of the Official Plan approved by the Minister, and, therefore, revisions to it cannot be included in the Minister's Order. Instead, regional staff have agreed that it should be amended by regional council resolution and that the Minister will be advised once regional council has approved the change.

The proposed revision is included in Appendix B.

AN ORDER TO AMEND
THE OFFICIAL PLAN FOR THE
HAMILTON-WENTWORTH PLANNING AREA

I hereby amend, pursuant to the provisions of Section 15(2) of the Niagara Escarpment Planning and Development Act R.S.O 1980, the Official Plan for the Hamilton-Wentworth Planning Area, which has been adopted by the Council of the Regional Municipality of Hamilton-Wentworth as follows:

1. Section 2 - Urban Policy Areas, is hereby modified by adding the following text to read as follows:

2.4 Niagara Escarpment Plan Area

OBJECTIVES

- to incorporate policies of the Niagara Escarpment Plan into the Official Plan;
- to provide for the preservation of the Niagara Escarpment.

POLICIES

It shall be the Policy of Regional Council:

- 2.4.1 That all proposals for development Within the Niagara Escarpment Plan as shown on Map No. 9 and Maps No. 10 (a) and (b) shall meet the requirements of the Area Municipal Official Plan, the Regional Official Plan and the Niagara Escarpment Plan.

In case of any discrepancy between the Niagara Escarpment Plan and this Plan, the Niagara Escarpment Plan shall prevail.

2.4.2 To permit, in the Natural Area as shown on Maps No. 10 (a) and (b), those uses specified in Policy 3.5.1 (b) to 3.5.1 (h) inclusive of this Plan. All uses shall be subject to Policy 2.4.6.

2.4.3 To permit, in the Escarpment Protection Areas, as shown on Maps No. 10 (a) and (b), those uses specified in Policies 3.5.1 (b) to 3.5.1 (h) inclusive and Policies 3.5.2 (a) to 3.5.2 (c) inclusive of this Plan. All uses shall be subject to Policy 2.4.6.

2.4.4 To designate the southerly portion of Winona as a Minor Urban Centre with development subject to the following criteria:

- a) Development shall not extend into the Escarpment Natural Area or Escarpment Protection Area.
- b) Development shall minimize land use conflicts and, where appropriate, incorporate adequate screening and/or setbacks to reduce visual impact on the Escarpment landscape.
- c) Development generally shall take place as a logical extension of existing development in the form of planned groups rather than linear or scattered development.

2.4.5 To permit, in the Urban Areas, a range of uses subject to the requirements of Policy 2.4.6 and the appropriate Area Municipality Official Plan.

2.4.6 To require that Area Municipalities utilize the following criteria for development in the Urban Policy Area located within the Niagara Escarpment Plan Area on Maps No. 10 (a) and (b).

- a) To minimize the impact and further encroachment of growth on the Escarpment environment by:

i) only permitting development with a design which is compatible with the visual and natural environment. Where appropriate, provision of adequate setbacks and screening should be required to minimize the visual impact of development on the Escarpment landscape.

ii) not creating new lots that include the Escarpment Natural Area or Escarpment Protection area unless such lot creation is for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body.

2. Section 3 - Rural Policy Areas, is hereby modified by adding the following text to read as follows:

3.5 Escarpment Natural, Protection and Rural Areas

OBJECTIVES:

- to maintain and enhance natural Escarpment and related physical features including open landscapes and scenic attributes; and,
- to provide a buffer to prominent Escarpment features.

3. Section 12 - Open Space for Recreation, is hereby modified by adding the following text to read as follows:

12.9 Those areas within the Niagara Escarpment Plan Areas as shown on Map No. 9 and Maps No. 10 (a) and (b) may form part of the Niagara Escarpment Parks System where features include waterfalls, distinctive landforms associated with the Escarpment and special plant communities and animal habitats. Historical and archaeological sites, often found associated with these

features, may also be incorporated. The Bruce Trail is an essential component of the Parks System.

The following five regional Environmentally Sensitive Areas are identified as part of the Niagara Escarpment Parks System.

1. Christie Conservation Area (E.S.A. #12)
2. Spencer Gorge (E.S.A. #13)
3. Summit Muskeg Reserve (E.S.A. #16)
4. Felker Falls Conservation Area (E.S.A. #24)
5. Devil's Punch Bowl (E.S.A. #25)

4. Section 15 - Interpretation of the Plan is hereby modified by adding the following text to read as follows:

15.1.6 The outer boundaries of the Niagara Escarpment Plan as identified on Maps No. 8, 9 and 10 (a) and (b) are fixed and can be changed only by an amendment to this Plan and the Niagara Escarpment Plan. The interpretation of internal boundaries shall be in accordance with Policy 15.1.5 of this official plan. Interpretation of less definite internal boundaries will include the most detailed or up-to-date information and site inspections in conjunction with evaluation by the Niagara Escarpment Commission.

5. Section 15 - Interpretation of the Plan is hereby modified by renumbering Section 15.1.6 as Section 15.1.7.

6. Map No. 8, Agricultural Lands, is hereby modified to include the lands within the Niagara Escarpment Plan Area located in the Urban Policy Area and shall be retitled "Agricultural Lands and the Niagara Escarpment Plan Area".

7. Maps No. 10 (a) and (b), entitled "Niagara Escarpment Plan Areas in the Urban Policy Areas" are hereby added to this Plan.



LEGEND

PRIME AGRICULTURAL LANDS
(Canade Land Inventory Soil Classes 1, 2, 3 & 4)

EXAMPLE OF SPECIALTY CROP AREAS
(Tender Fruit Soils)

PARKWAY BELT
WEST POLICY AREAS

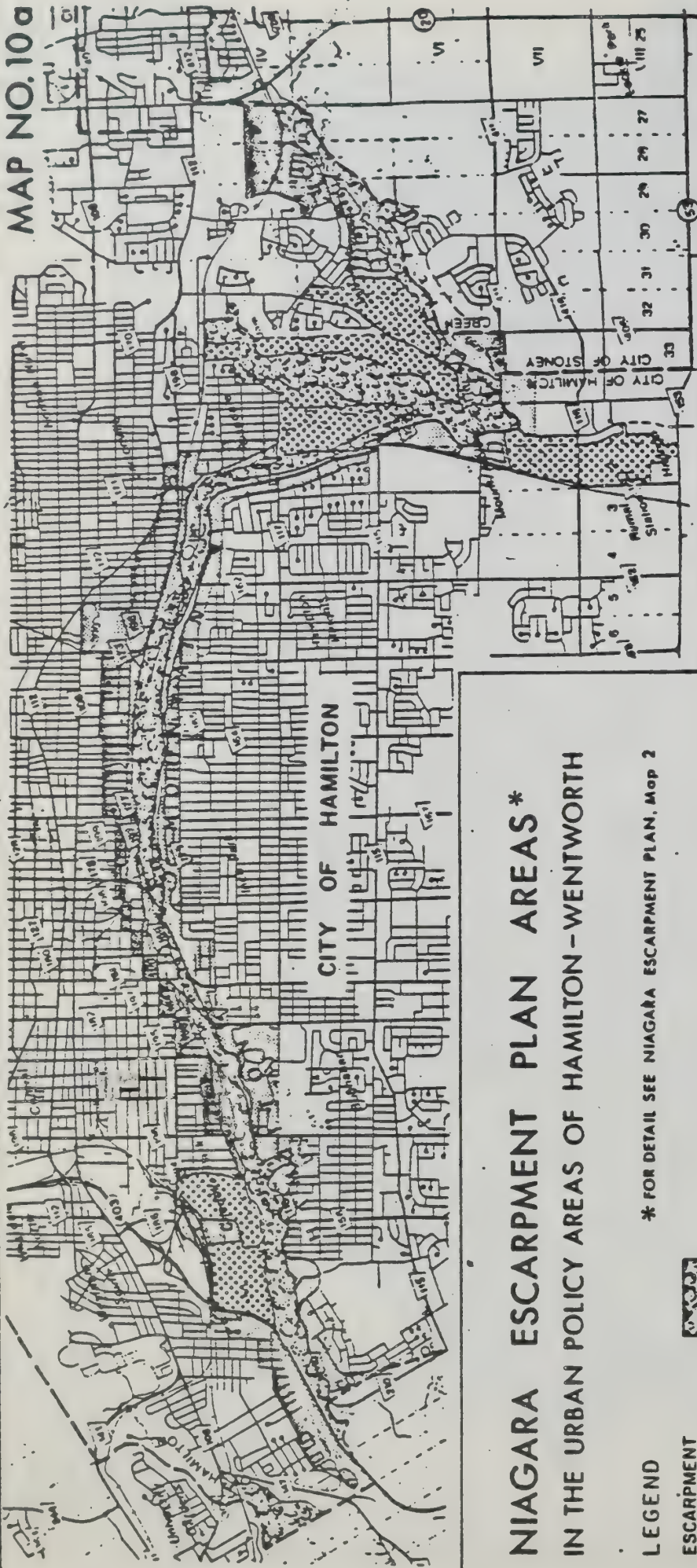
NIAGARA ESCARPMENT PLAN
AREA *



AGRICULTURAL LANDS AND NIAGARA ESCARPMENT PLAN AREA

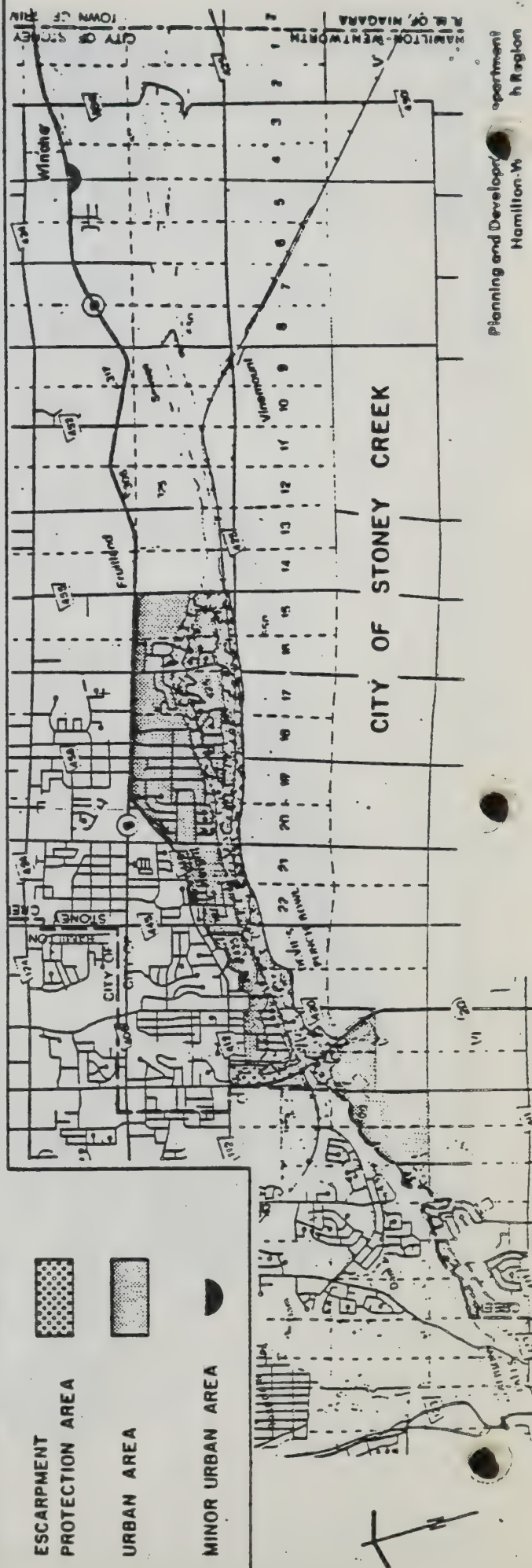
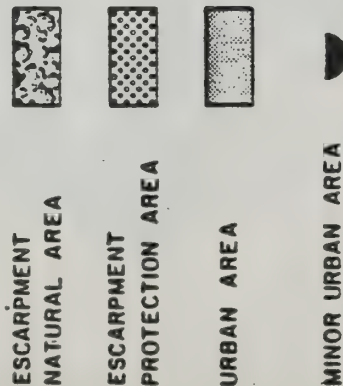
Planning and Development Department
Hamilton-Wentworth Region

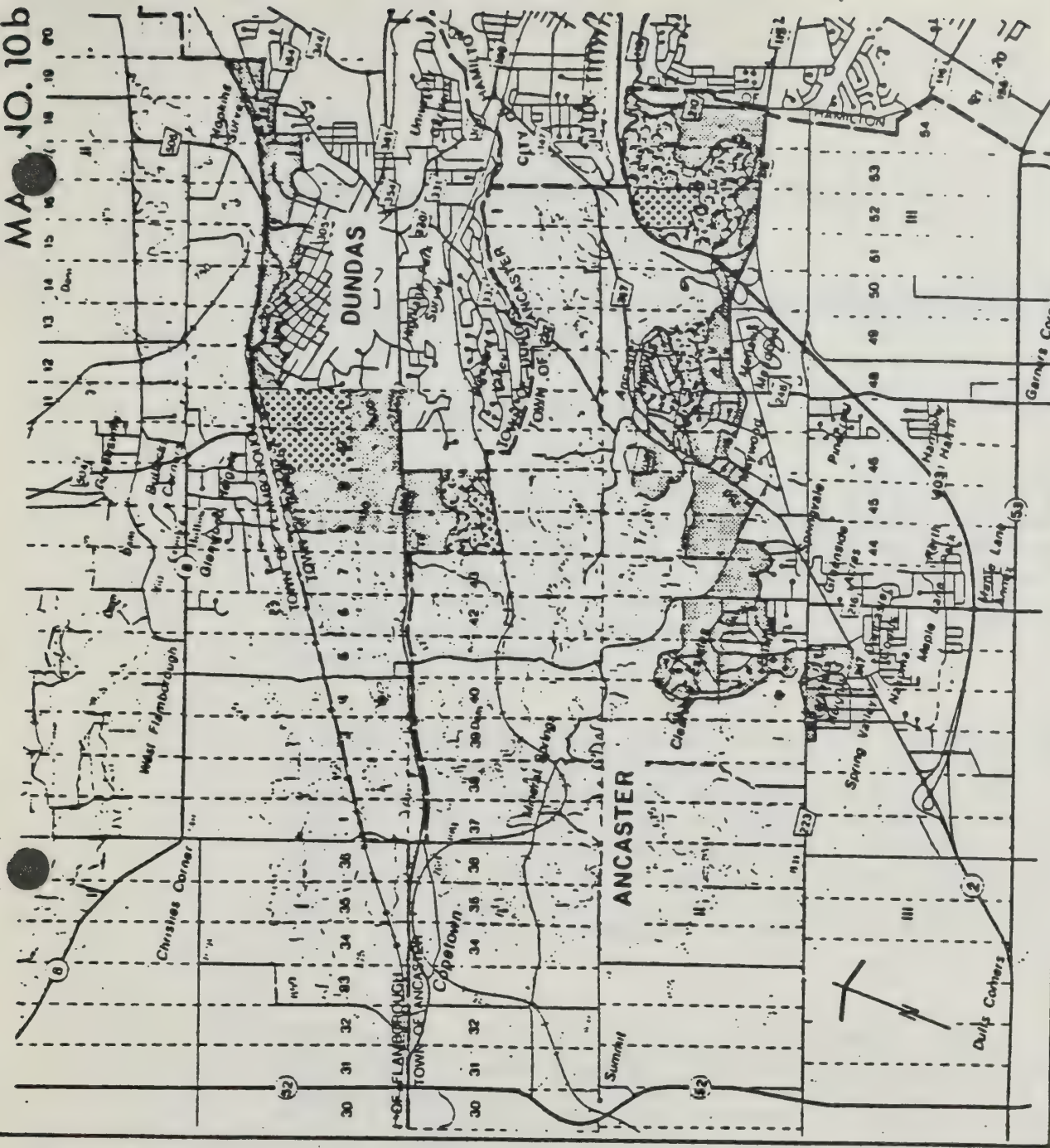
*For Detail See Niagara Escarpment Plan, Map 2



NIAGARA ESCARPMENT PLAN AREAS*

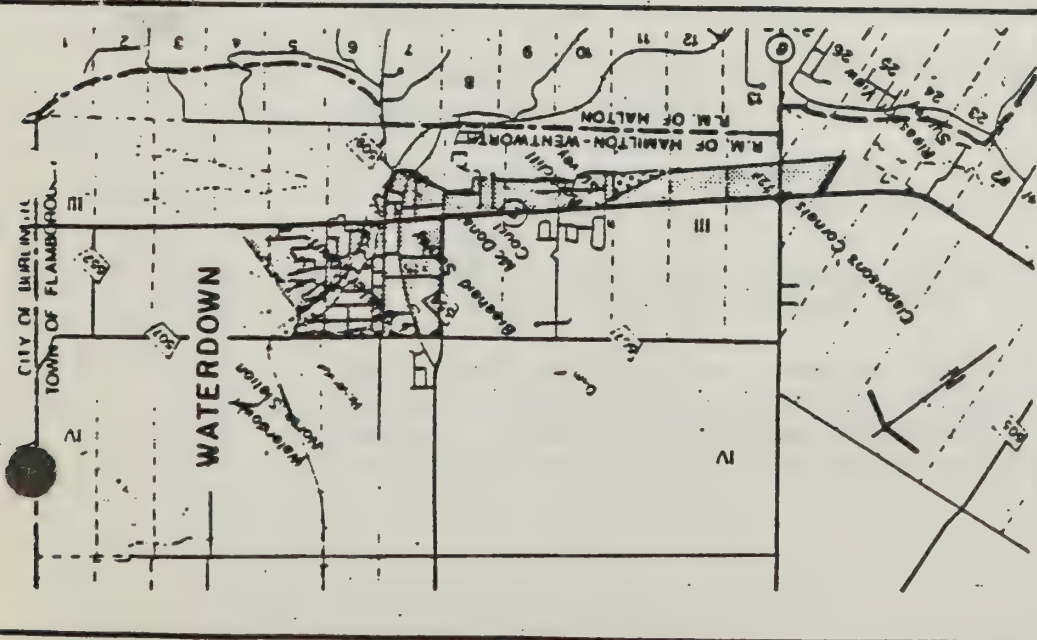
* FOR DETAIL SEE NIAGARA ESCARPMENT PLAN, MAP 2





NIAGARA ESCARPMENT PLAN AREAS* IN THE URBAN POLICY AREAS OF HAMILTON-WENTWORTH

Planning and Development Department
Hamilton-Wentworth Region



LEGEND

ESCARPMENT
NATURAL AREA

ESCARPMENT
PROTECTION AREA

URBAN AREA

* FOR DETAIL SEE NIAGARA ESCARPMENT PLAN, Map 2

PROPOSED REVISIONS BY COUNCIL RESOLUTION

Section B - Provincial Policies Affecting the
Region:

THE NIAGARA ESCARPMENT PLAN:

The lands affected by the Niagara Escarpment Plan are shown on Map 8 - Agricultural Lands and the Niagara Escarpment Plan Area, Map 9 - The Niagara Escarpment Plan Areas in the Rural Policy Areas of Hamilton-Wentworth, and Map 10 - The Niagara Escarpment Plan Areas in the Urban Policy Areas of Hamilton-Wentworth.

A commitment to the preservation of the Niagara Escarpment was realized on June 12, 1985 with the approval of the Niagara Escarpment Plan. The Niagara Escarpment Plan conserves significant natural and cultural areas while providing consistent land-use policies to direct planning initiatives within the 1,903 square kilometre plan area of which the Region of Hamilton-Wentworth is included.

The policies of the Niagara Escarpment Plan pursuant to the Niagara Escarpment Planning and Development Act outline the framework for the Plan's incorporation into Official Plans and also establishes other administrative procedures for the protection of the Niagara Escarpment.

In the area of the Niagara Escarpment Plan, the Niagara Escarpment Commission is responsible for:

- promoting the objectives of the Plan;
- administering the development permit system;
and,
- commenting and monitoring on activities within the Niagara Escarpment Plan area.

Any development that occurs within the area of the Niagara Escarpment Plan is subject to a development permit from the Niagara Escarpment Commission where required by Ontario Regulation 683.

FROM Planning and Development Department

DATE July 30, 1987

TO Planning and Development Committee

Refer To File No. P5-2-47

Attention Of V. J. Abraham

SUBJECT

Proposed policies for King Street East between Nash Road and Centennial Parkway, Gershome and Greenford Neighbourhoods.

RECOMMENDATIONS

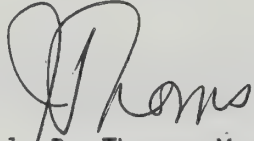
1. That a public meeting be held to discuss:

- i) Proposed modifications to the Gershome and Greenford Neighbourhood Plans, particularly the extension of a non-highway commercial designation to all parts of the study area within the City of Hamilton, except for the south-west corner of the King Street East/Centennial Parkway intersection. Such a designation would permit uses such as convenience stores and neighbourhood/community commercial development (such as offices, services, non-highway oriented retail, etc.). Highway commercial uses that have high parking requirements (such as fast food restaurants) or that generate a great deal of traffic (such as gas bars) would not be permitted.
- ii) Planning guidelines, such as the following:
 - o front yard setbacks for new buildings be similar to existing ones;
 - o generous landscaped areas be provided along the King Street East frontage;
 - o parking areas or wide-open areas of pavement should not dominate King Street East;
 - o free-standing signs be ground-oriented and not more than six feet high; and,
 - o buildings of historical or architectural importance and buildings which compliment the character of the area should be retained wherever possible.
- iii) The design for the widening of King Street East should consider the protection and enhancement of the existing character of the area.

2. That the City of Stoney Creek:

- i) be asked to review this report;
- ii) be invited to join with the City of Hamilton in generating policies for the appropriate development of the Study Area.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

Issue

Several applications for development along King Street East have recently been received (See Map 1 attached). The application for a gas station development at the south-east corner of Greenhill Avenue and King Street East caused residents to express a concern that the visual character of King Street East may deteriorate if highway commercial uses proliferate. The Alderman of the ward requested that the Planning Department study approaches for encouraging appropriate types of commercial development in the area.

Study Area

An area of study was identified between Nash Road and Centennial Parkway. This includes parts of both Gershome and Greenford Neighbourhoods in the City of Hamilton as well as part of the City of Stoney Creek (Map 1).

Property Ownership

Property ownership in the study area is fragmented among 26 owners (Map 1 and Table 1).

Land Use

Vacant land is the predominant land use, though there also is a mixture of residential, commercial and institutional uses (Map 2).

Proposed Road Widening

The part of King Street East running through the study area is a four lane arterial route carrying a considerable traffic volume that averages 21,000 vehicles per day. This compares to 24,000 vehicles per day using Centennial Parkway between Queenston Road and King Street East. Road construction of the proposed Red Hill Freeway will give impetus to road widening. A functional plan has recently been prepared for the widening of this section of King Street, to add a two-way left turn lane. This project is scheduled for 1988.

Official and Neighbourhood Plans

A mixture of commercial, residential, institutional and open space is designated in the City of Hamilton and Stoney Creek Official Plans (Map 3). Uses are elaborated upon in the Gershome and Greenford Neighbourhood Plans (Map 4). This includes several zoning by-laws approved in 1986 which prohibit specific highway commercial uses on the south side of King Street at Greenhill Avenue. The neighbourhood plan also contains a special non-highway commercial designation for the lands in this vicinity. Stoney Creek does not have a neighbourhood plan for their part of the study area.

Zoning

The zoning designations for the study area are shown on Map 5.

Development Applications

Eight applications of varying nature have recently been considered by the City within this area (Map 1 and Table 2). The number of applications shows the current strong interest in development. An application for the demolition of 2774 King Street East resulted in designation under the Heritage Act on January 27, 1987 and demolition control under the Planning Act being applied. However, on June 23, 1987, Council decided that the building should be demolished.

Character of the Study Area

The study area has a building stock which is generally in good condition (Map 6 and Appendix A). Six of the structures are listed by LACAC as being of architectural and/or historic interest (Map 6 and Table 3). The area has several wooded and grassed areas, and a number of distinctive mature trees (Map 6).

Community Concerns

Residents in the study area are concerned about the type of development coming into the area. During the processing of the gas filling station zoning application at the southeast corner of King St. E. and Greenhill Ave., a petition from 49 households was received opposing the development. The residents objected to the introduction of highway-oriented development dominated by car parking.

ANALYSIS

King Street East between Nash Road and Centennial Parkway has a distinctive character made up of buildings of architectural and/or historic significance interspersed with residential buildings and complemented by considerable landscaping. There are already some highway commercial uses which detract from the general appearance of the area. There is ample opportunity for infilling vacant areas and scope for redevelopment. Road widening would further change the character of the area. New building without more detailed guidelines would tend to encourage the loss of the study area's current character.

It is felt that the character of the area should be retained and, if possible, enhanced. Some development has already been approved, but it is worthwhile to ensure that future development proposals are visually compatible with the area as well as being appropriate in terms of land use. Efforts should be made to:

- i) preserve the buildings of architectural and historic interest and those which complement the existing character;
- ii) protect and supplement landscaping;
- iii) allow uses and buildings which complement existing ones;
- iv) ensure that the proposed road widening has minimal impact on the adjacent natural features such as open space areas and trees.

DG:cs

W.P. DOC 0558P

T A B L E 1

Properties in the Study Area

Number	Owner	Jurisdiction	Official Plan	Zoning	Current Use	Development Proposals
1.	A.B.&L.N. Jackson	Hamilton (Greenford)	Residential	AA	Residential/Vacant	No
2.	Sisters of St. Joseph of the Diocese of Hamilton	"	Residential/ Major Inst.	AA/867	Vacant	Yes
3.	F.J.&E.M. Barnes	"	Residential	AA	Residential	No
4.	City of Hamilton	"	"	AA	"	No
5.	M. Spilak	"	"	AA	"	No
6.	Shell Canada	"	"	HH	Highway Commercial Vacant	No
7.	L. Nash	"	"	E-2/S-34	Residential/ Vacant	No
8.	Crub Holdings	"	"	HH	Highway Commercial/ Vacant	No
9.	W. Zenker (in trust)	Stoney Creek	General Com.	C-3	Commercial	No
9.(a)	S. McCleod	"	Commercial	C-3	Commercial	No
10.	City of Hamilton	Hamilton(Greenford)/ Stoney Creek	Residential/ General Com.	C-3	Commercial	No
11.	Staalduinen Floral Ltd.	Stoney Creek	General Com.	C-3	Commercial/ Residential	No
12.	M. P. Puldlo	"	"	C-3	Commercial/Vacant	No
13.	McLeod Motors Ltd.	"	"	C-3	Residential/Vacant/ Highway Commercial	Yes
14.	A.B.&L.N.Jackson	Hamilton(Gershorne)	Open Space	AA	Vacant	No
15.	Rymal Developments	"	Residential/ Residential/ Commercial	C(Modified) C & G (Modified)	Vacant Residential/ Vacant	Yes
16.	Cochren Construction	"	Commercial	HH	Vacant	Yes
16.A		"	Commercial		Vacant	No
17.	City of Hamilton	"	Commercial			

T A B L E 1 (Cont'd)

Properties in the Study Area

Number	Owner	Jurisdiction	Official Plan	Zoning	Current Use	Development Proposals
18.	596361 Ontario Ltd.	Hamilton	Commercial	HH	Commercial/Residential	Yes
19.	R. W. Nash	"	"	HH	"	No
20.	Jovanovic Miroslav	"	Residential	HH	Residential	No
21.	W. & G. Austin	"	"	AA	"	No
22.	Dr. I. Mus	"	"	AA	"	Yes
23.	Stoney Creek Cemetery	"	Open Space	AA	Institutional	No
24.	R. Kingsworth	"	Commercial	HH	Highway Commercial	No
25.	K. H. Chow	"	"	HH, G-3	Commercial/Residential	No
26.	W. S. Welsby	"	"	HH	Highway Commercial	No

TABLE 2
DEVELOPMENT PROPOSALS

<u>Property Involved (Map 1)</u>	<u>Proposed Use</u>	<u>Status</u>
2	Ambulatory Care Facility	<ul style="list-style-type: none"> - Suitable Official Plan and Neighbourhood Plan designations - modification to AA Zoning approval - clearance of the existing vegetation has begun - possible construction start as soon as receive funding approval.
13	Car wash (8 bays), lube shop, laundromat	<ul style="list-style-type: none"> - Suitable Official Plan and zoning designations - Site plan has been submitted.
15	Residential subdivision (35 single family homes)	<ul style="list-style-type: none"> - Suitable Official Plan and Neighbourhood Plan designations - preliminary construction has begun for housing
16	Neighbourhood shopping Center	<ul style="list-style-type: none"> - Change in zoning from AA to C and G modified approved - new application submitted for change in zoning from G to HH - proposed to develop 45,000 sq. ft. commercial plaza - 2,774 King St. East designated under the Heritage Act and demolition control applied - permission for demolition given.
16A	Residential Subdivision (22 single family homes)	<ul style="list-style-type: none"> - Suitable Official Plan and Neighbourhood Plan designations.
18	Self-serve gas bar, car wash and commercial building	<ul style="list-style-type: none"> - Suitable Official Plan and Neighbourhood Plan designations - Application denied - Neighbourhood Plan designation changed from "Commercial" to "Non-Highway Commercial" O.M.B. approved February 17, 1987 after hearing.
20	Conversion of existing structure into a restaurant	<ul style="list-style-type: none"> - suitable Official Plan designation - a Neighbourhood Plan redesignation and a zoning change are necessary - rezoned from "AA" to "HH" - restaurant only within the existing building approved

TABLE 2 (Cont'd)

DEVELOPMENT PROPOSALS

<u>Property Involved (Map 1)</u>	<u>Proposed Use</u>	<u>Status</u>
21	Conversion of existing structure into a day nursery	<ul style="list-style-type: none">- suitable Official Plan designation- Zoning change to "C" modified approved, pending the submission of a site plan.
26	Redevelopment of commercial property for a gas bar	<ul style="list-style-type: none">- suitable Official Plan, Neighbourhood Plan and zoning- construction has begun

T A B L E 3

STRUCTURES OF HISTORICAL SIGNIFICANCE (1)

<u>Number (Map 3)</u>	<u>Address</u>	<u>Description</u>	<u>Affected by Development Plans (2)</u>
1.	2717 King St. E.	A well-preserved pre-Confederation clapboard farmhouse	No
2.	2774 King St. E.	A residence which is a late but distinctive example of the Queen Anne style (C.-1885-1900) combining a picturesque composition with restrained classical detail.	Yes. On land slated for commercial development. Scheduled for demolition.
3.	2825 King St. E.	A representative example of the larger brick house built at the turn-of-the-century with typical Queen Anne detail.	No
4.	2826 King St. E.	A turn-of-the-century home with some unusual features.	Yes. Approved for conversion into a restaurant.
5.	2842 King St. E.	A good example of the Italianate style of residential architecture (C.-1850-75) with a classical revival porch.	No.
6.	2846 King St. E.	A common early 20th century urban type house.	Yes. Approved for conversion into a day nursery.

Notes: 1 - from the LACAC Inventory
 2 - See Table 2 for more details

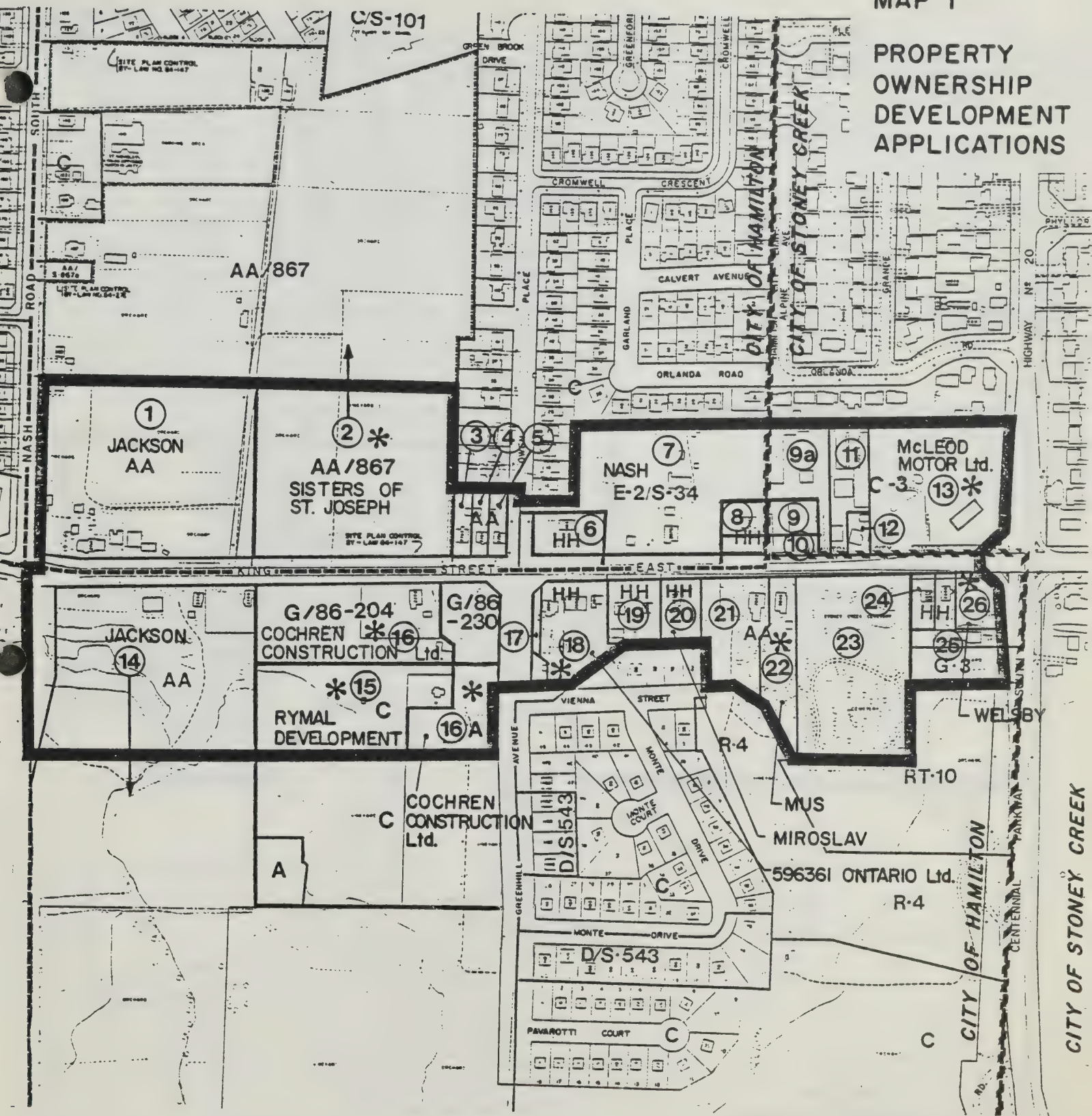
A P P E N D I X A

CRITERIA FOR EVALUATING
BUILDING CONDITIONS

EXCELLENT	New Modern Buildings in Good State of Repair and Maintenance
GOOD	Buildings Not Needing Repair or Maintenance
FAIR	Buildings Needing Maintenance
POOR	Buildings Needing Repair
BAD	Buildings Needing Structural Repair

MAP 1

PROPERTY OWNERSHIP DEVELOPMENT APPLICATIONS

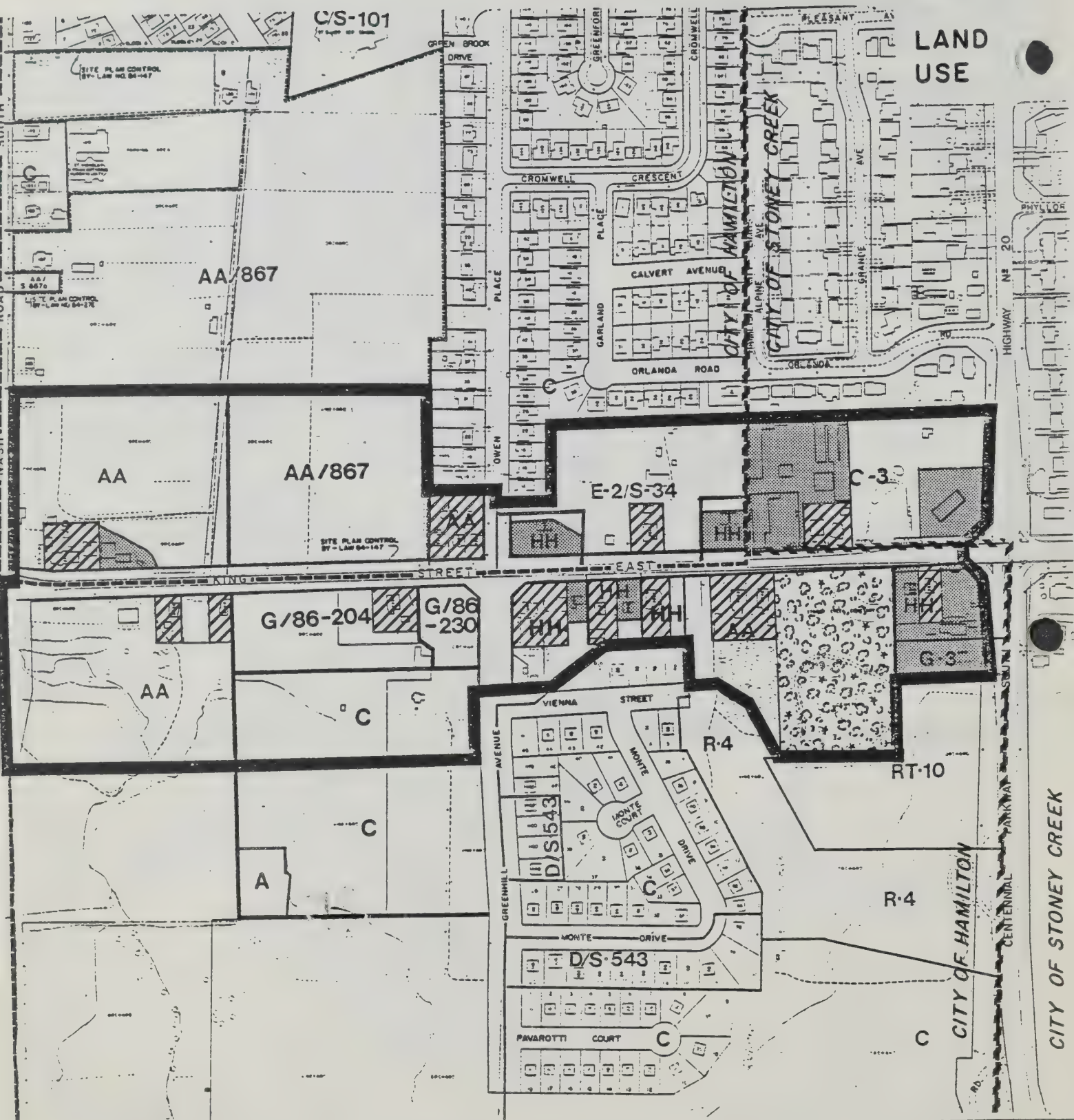


Gershome / Greenford
Study Area

Legend





- ① to ②⑥ Property numbers (see table-1)
- * Recent development plans
- ① Indicates property extends beyond study area

Study Area Boundary



Gershome / Greenford
Study Area

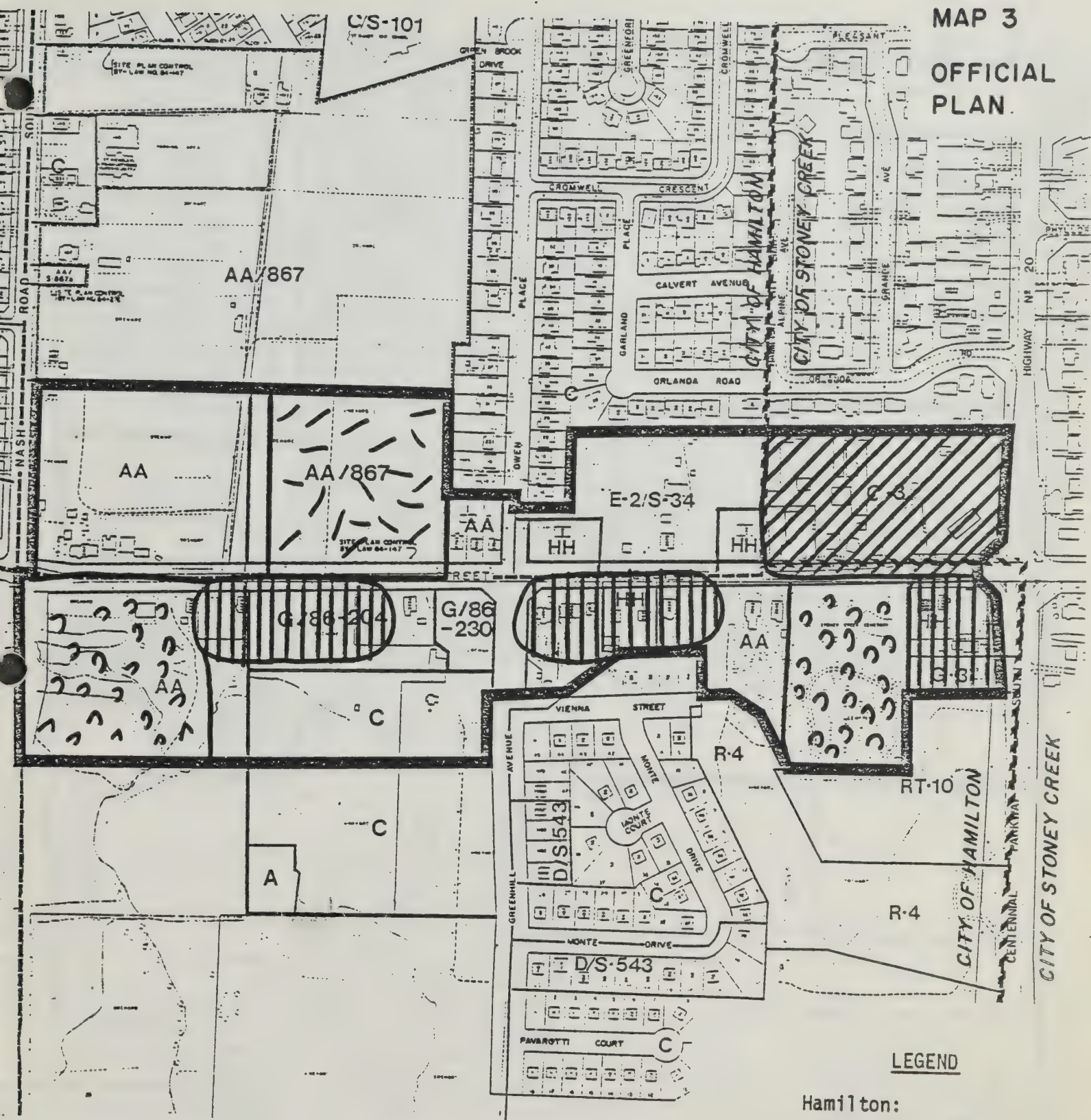
Legend

-  Residential
-  Commercial
-  Institutional (Cemetery)
-  Vacant

 Study Area Boundary

MAP 3

OFFICIAL PLAN



Gershome / Greenford
Study Area

Study Area Boundary

LEGEND

Hamilton:

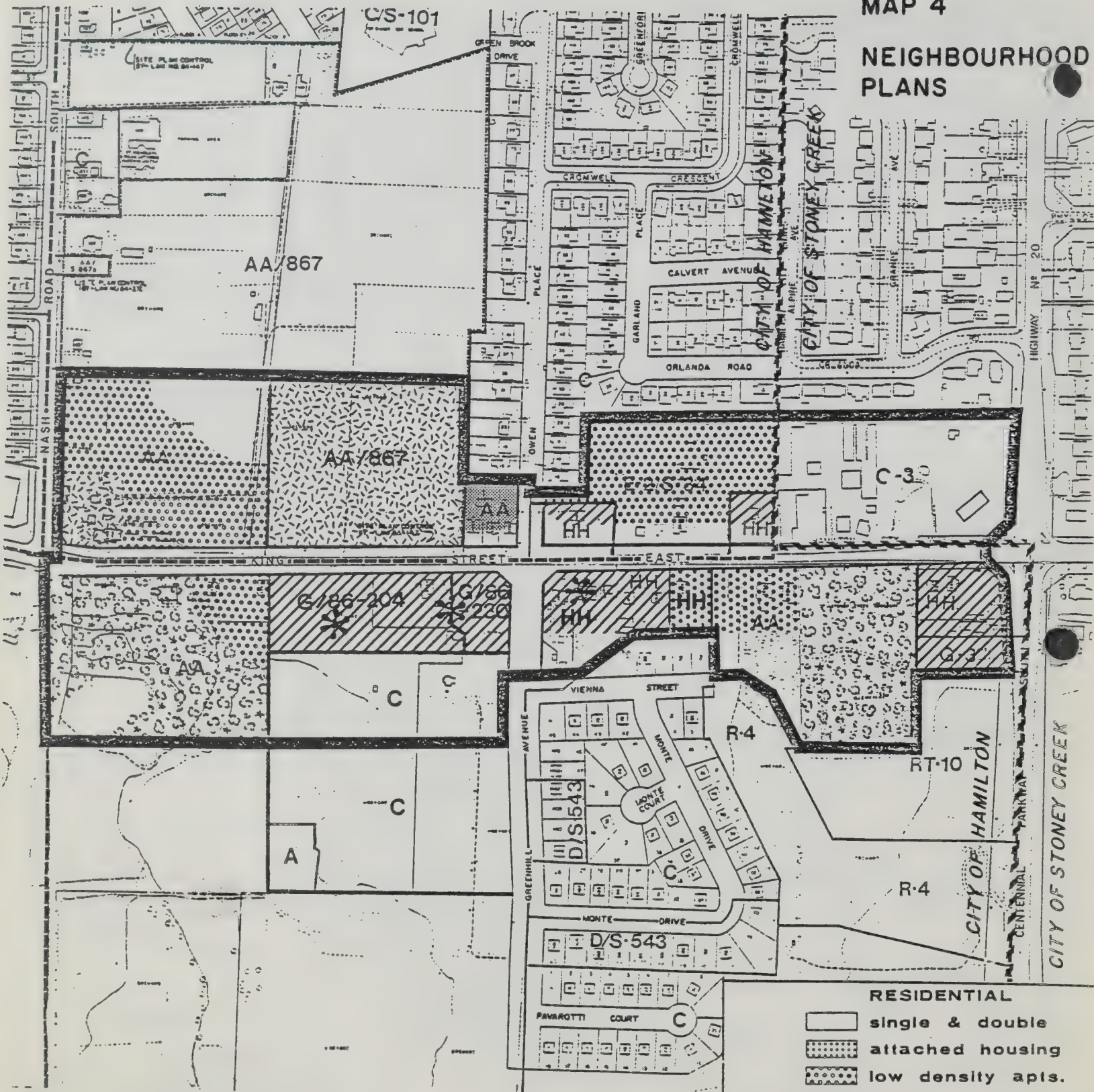
- Residential
- Major Institutional
- Commercial
- Open Space

Stoney Creek:

- General Commercial

MAP 4

NEIGHBOURHOOD PLANS



* NON HIGHWAY COMMERCIAL

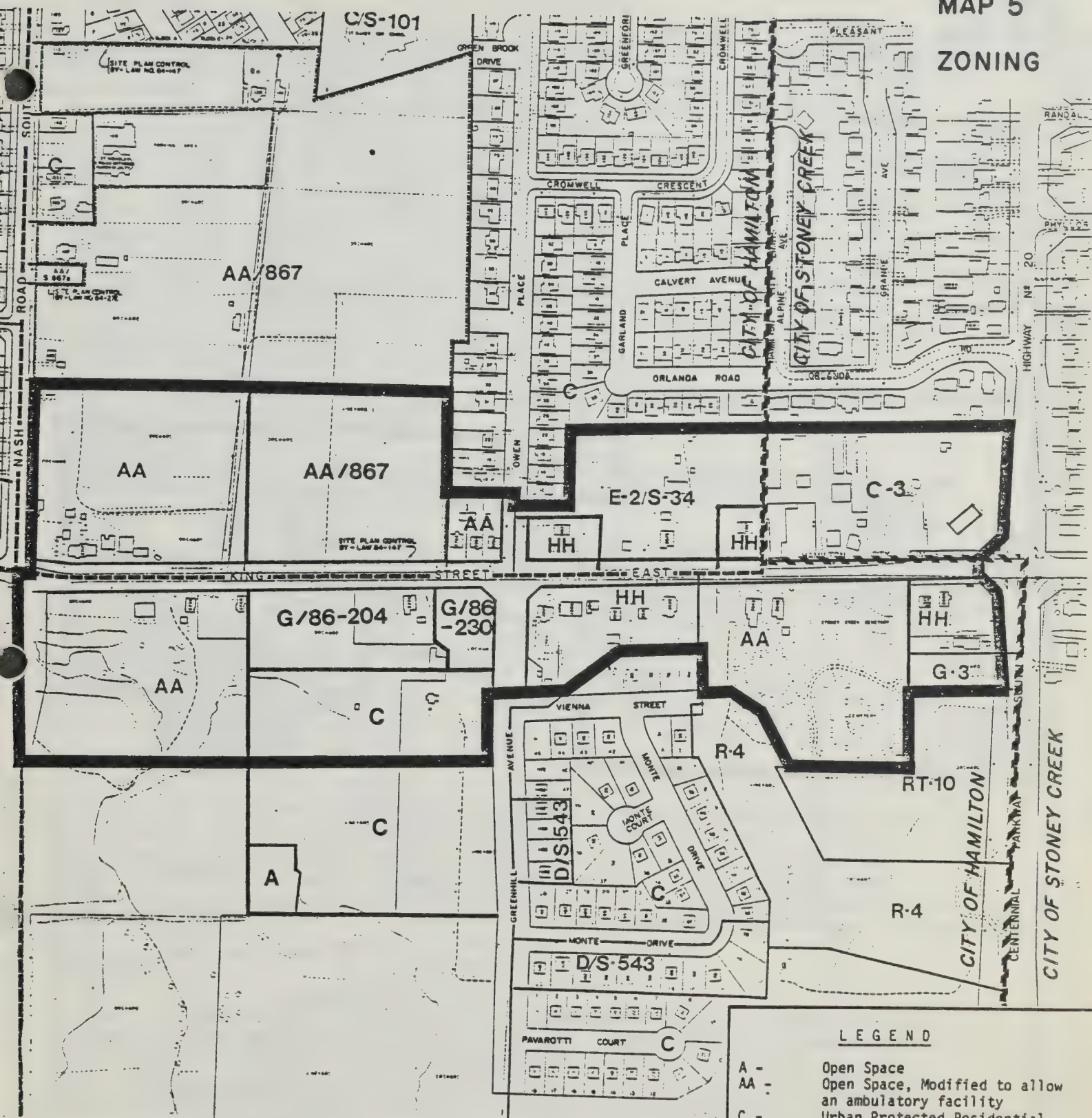
- Including neighbourhood commercial e.g. convenience stores and community commercial e.g. medical offices, but excluding highway oriented uses such as gas bars, fast food restaurants etc. Uses which conserve the existing building stock will be encouraged.

Gershome / Greenford Study Area

Study Area Boundary

*City of Stoney Creek does not have a neighbourhood plan for the King St./ Centennial Parkway area

MAP 5 ZONING



Gershome / Greenford
Study Area

LEGEND

- A - Open Space
- AA - Open Space, Modified to allow an ambulatory facility
- C - Urban Protected Residential
- E-2/534 - Multiple Dwellings, Modified
- G86204 } General Commercial, Modified
- G86230 } to prohibit highway commercial uses
- G-3 - Parking
- HH - Highway Commercial

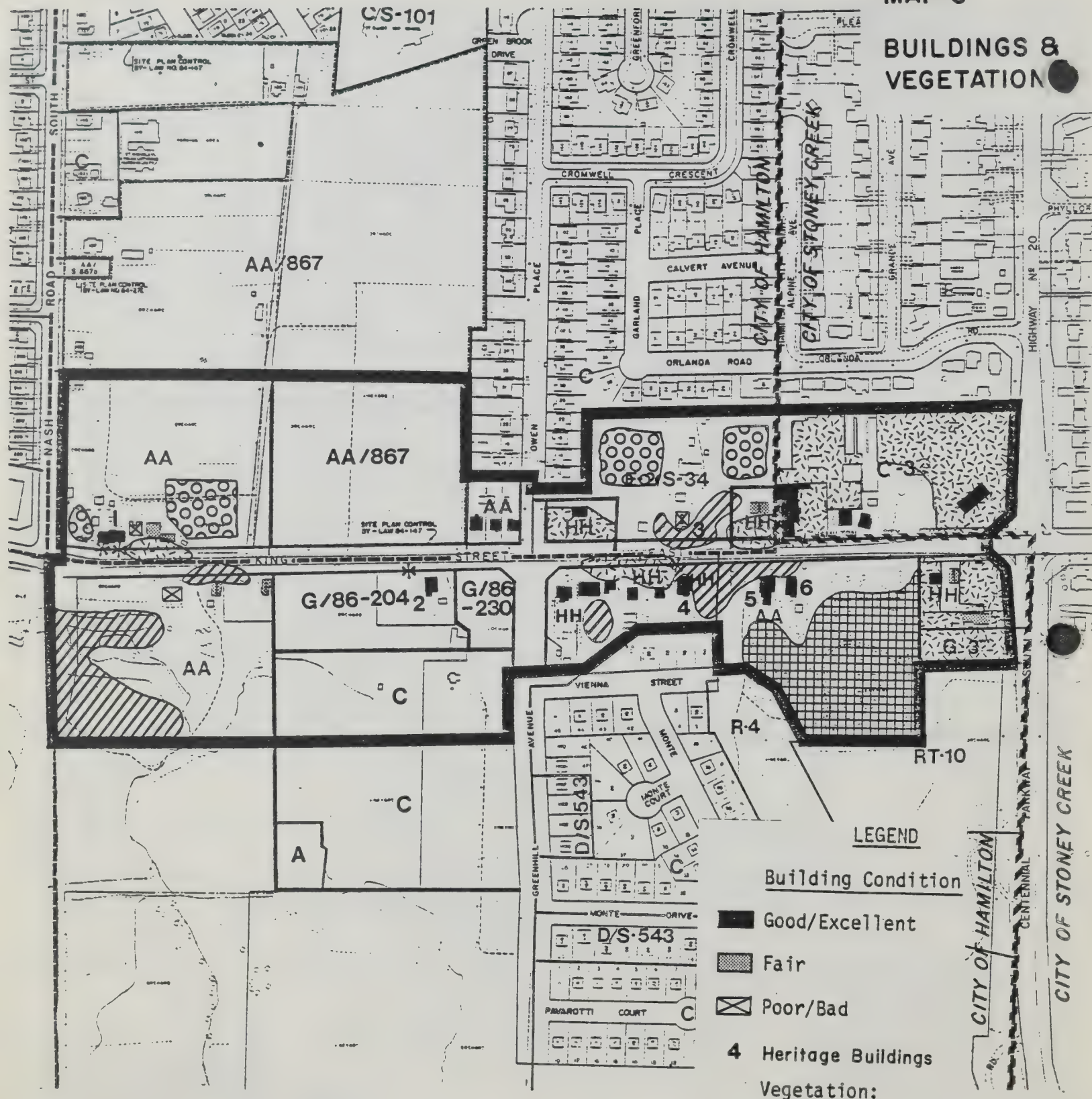
STONEY CREEK

- G-3 - General Commercial

Study Area Boundary

MAP 6

BUILDINGS & VEGETATION



C/S-101

AA/867

AA/867

G/86-204 2

G/86-230

S-34

HH

4

5

6

RT-10

LEGEND

Building Condition

Good/Excellent

Fair

Poor/Bad

Heritage Buildings

Vegetation:

Parking Area - Paved or gravel

Wooded Area - Many large trees

Wooded Area - Many small trees

Significant trees

Orchard

Gershome / Greenford Study Area

Study Area Boundary

FROM: Planning and Development Department

DATE: August 4, 1987

TO: Planning and Development Committee

Refer to File No. P5-4-7-15

Attention Of V. J. Abraham

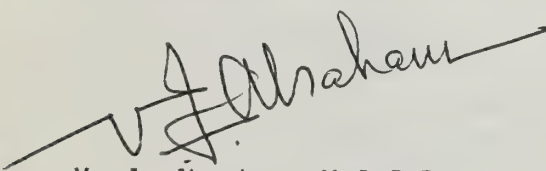
SUBJECT

High Density Residential Development Study, Phase 2

RECOMMENDATION

That the Draft Interim Report for the High Density Residential Development Study be received for information.

That the Planning and Development Department be directed to proceed with Phase 2 of the High Density Residential Development Study, in accordance with the attached Schedule 2.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

On April 29, 1987, the Planning and Development Committee approved the Terms of Reference for the High Density Residential Development Study. Phase 1 of this Study, focussing upon the collection of background data, is complete. Phase 2, which is already programmed and funded, now requires Planning and Development Committee approval, to meet the Provincial deadline of April, 1988.

BACKGROUND

A study on High Density Residential Development in the Central Area has been included in the 1987 Work Program. This study originally was recommended at a joint meeting of LACAC, CAPIC, the Durand Neighbourhood Association and the Durand Neighbourhood Plan Advisory Committee. The Hamilton Real Estate Board and the Chamber of Commerce have also indicated their support for the Study.

The City applied for and received a \$35,000 Community Planning Grant from the Ministry of Municipal Affairs, to cover 50% of Study costs.

The Planning and Development Committee directed the Planning and Development Department to proceed with this Study on April 29, 1987.

A draft interim report, containing the necessary background information, has been completed (see Schedule 1), as has a set of inventory panels.

SUMMARY OF BACKGROUND REPORT - AREAS INVESTIGATED AND CONCLUSIONS

1. High Density Residential Inventory

- o Extent of the High Density Residential stock in the Central Area was identified and the proportion found within the High Density Residential zones (E, E-1, E-3, L-MR-2) was determined.
- o Inventory of High Density Residential zones was prepared:
 - distribution of High Density Residential lands
 - character and distribution of High Density Residential stock
 - changes in this stock over time
 - historical buildings and districts
 - potential sites for new development
- o Observations:
 - a large portion of the Central Areas housing stock (53.3%) is in the High Density Residential zones
 - within the High Density Residential zones, 91.4% of units are apartment units
 - High Density Residential lands and development are concentrated in Durand and Corktown
 - a large stock of identified heritage buildings currently is found within High Density Residential zones and, therefore, is vulnerable to development pressures
 - many potential infill sites exist within the Central Area. Many of these are within zones that permit High Density Residential development. Yard and density requirements, however, prevent the development of some of these.

2. Demand for New High Density Residential Development

- o Extent of demand for new High Density Residential in Hamilton as a whole and the Central Area, in particular, was determined.
- o Changes in household composition and income, trends in the availability of alternative forms of housing, and anticipated growth rates, were analysed.
- o Observation:

There is a high demand for more High Density Residential in the Central Area.

3. Impact of HDR

- o Impacts of High Density Residential upon aspects of the urban environment such as the following were identified:

- preservation of existing building stock
- preservation of streetscapes
- view corridors
- parking

- o Observation:

City land use policy and regulations must determine which of these are of importance, and address them.

4. Hamilton Land Use Policy and Regulations

- o Land use policies and regulations effecting High Density Residential development were analysed.

- o Observations:

- land use policy generally addresses the need for new High Density Residential and the design issues listed above
- new designations for lands zoned for High Density Residential within the Durand Neighbourhood remain to be completed
- the Zoning By-law generally encourages more High Density Residential development, but does not conform with planning policy in other respects (e.g. - Central Area Plan support for lower rise, "human scale" High Density Residential development).

5. Other Policies, Programs and Regulations

- o Other legislative initiatives effecting the High Density Residential housing stock were identified.

- o Observations:

- measures such as the Rent Regulation Act discourage new High Density Residential development through making the construction of new rental buildings a less attractive investment
- measures such as Convert to Rent discourage new High Density Residential development through increasing the stock of non-High Density Residential apartment units
- measures such as the Low Rise Rehabilitation Program discourage new High Density Residential development by preserving and upgrading the existing High Density Residential stock
- measures such as the Rental Housing Protection Act, Heritage Act, and Demolition Control By-law preserve the existing building stock, thus discouraging new High Density Residential development
- measures such as the Property Standards By-law encourage High Density Residential development by discouraging the conversion of existing buildings: demolition and redevelopment is made more attractive
- measures such as Renterprise encourage new High Density Residential development through providing financial support for new construction.

PHASE 2 WORK PROGRAM - ANALYSIS TO BE CONDUCTED

- o Review of policies and regulations of other municipalities
- o Analysis of site-specific impacts of alternative forms of High Density Residential development, utilizing the building designs generated by the Consultant in assessing the costs to landowners and developers and zoning changes.
- o Survey of developers and public attitudes towards High Density Residential development.

IDENTIFICATION OF OPTIONS FOR CONCRETE ACTION

- o The background report indicates City Land Use Policy generally addresses the need for more High Density Residential development in the Central Area, along with the design problems associated with that form of development.
- o These policies, however, frequently are not implemented fully.
- o A primary objective of Phase 2, therefore, is to identify ways in which the City could modify its policies, by-laws, and regulations to achieve the objectives of its Land Use Policies.
- o Below, areas of conflict between Land Use Policies and other policies, by-laws and regulations are identified, and options which could revise the extent of this conflict are outlined. Details of the Land Use Policies and zoning by-law are found in Section 5 and Appendix B of this report.

New HDR Development

Planning policy supports new High Density Residential development in the Central Area. The Zoning By-law supports this objective through including an extensive amount of land within the High Density Residential Zones not used for high density housing. At present, two problems are evident, however: (i) most of the land is found in the southern part of the Central Area; and (ii) most of the land is currently occupied. Development must be preceded by demolition and clearance.

OPTION:

- 1) Rezone certain areas north of King Street for High Density Residential uses. Special attention should be focused upon currently vacant or underutilized land. A number of suitable sites in Central and Beasley Neighbourhoods can be identified.

Preservation of the Existing Building Stock

Planning Policy supports the preservation of the existing building stock through infilling, adaptive reuse, and building rehabilitation. The Zoning By-law generally discourages the first two of these in High Density Residential zones, while other programs and regulations generally encourage the third.

OPTION:

- 2) Modify the Zoning By-law to permit infilling behind or between existing structures.
- 3) Modify the Zoning By-law to permit additional commercial uses in the High Density Residential Zones, providing that they are pedestrian and community oriented. Older buildings, therefore, could be preserved through giving them a new use.
- 4) Increase the number and size of grants under the Hamilton Rehabilitation Program and Loans.
- 5) Give more publicity to the rehabilitation programs administered by the City.

Income Mix

Planning policy supports a mixture of families with different incomes in the Central Area. The Zoning By-law does not address this issue.

OPTIONS:

- 6) Offer developers density or other bonuses in exchange for turning over a portion of the units in a new development to a social housing agency. This could partially reverse the trend toward having new residential units only within the economic reach of upper income households.
- 7) Provide funding for a new social housing project.

Building Height

Planning policy supports low-rise, high density development. The Zoning By-law discourages this.

OPTIONS:

- 8) Create new high density residential zones, to be applied to new areas of High Density Residential development (See Option 1). These zones would permit the same density as the existing E and E-3 zones, but would have lower permitted heights and greater permitted lot coverages.
- 9) Rezone areas currently zoned E and E-3 to the new zoning categories outlined above.
- 10) Retain the existing zoning, but offer developers restrictions in the landscape requirement or in yard requirements, in exchange for lower building heights.

Views

Planning policy supports the protection of views of the Escarpment. The zoning By-law only supports this to a limited extent, through restricting building height close to the escarpment.

OPTIONS:

- 11) Identification of "view corridors", to be used as a criteria in assessing zoning applications; a basis for zoning changes; or as criteria in the Site Plan Control process.

Shadow Casting

Planning policy sees the minimization of the effect of shadows cast upon adjacent properties as an important planning objective. However, at present, neither the Zoning By-law nor any other by-law or regulation addresses the issue of shadow casting.

OPTIONS:

- 12) Develop shadow casting standards and have them incorporated into the Zoning By-law, or have such standards as the base for a separate by-law.
- 13) Develop shadow casting standards and have them incorporated into the Site Plan Control process.

Microclimate

Planning policy states that new development should take into account any impact upon the microclimate which would effect adjacent properties or the pedestrian environment. Special attention is centred upon wind effects. Currently, there are no provisions for implementing this.

OPTION:

- 14) Develop wind effect standards and incorporate them into a separate by-law, the Zoning By-laws or the Site Plan Control process.

Compatibility

Planning policy supports the principle that new developments should be compatible with surrounding development. The Zoning By-law prevents certain incompatible uses from setting up adjacent to each other. However, within the High Density Residential Zones, large multiple family high-rise structures are permitted adjacent to smaller-scale, low-rise residential development. Furthermore, there are no provisions for maintaining streetscapes through ensuring uniform setbacks, etc.

OPTIONS:

- 15) The nature of existing development should be made a criterion in determining which areas should be rezoned for High Density Residential development (see Option 1), along with the nature of the rezoning (see Option 8).
- 16) The zoning of lands currently zoned for High Density Residential development which encompass or are adjacent to existing low-rise development should be modified, to encourage compatibility. (e.g. - heights could be reduced while maintaining the same density - see Option 8).
- 17) The Site Plan Control process could encourage compatibility through considering features such as front yard setbacks and building spacing.

Human Scale

Planning policy encourages development which respects the human scale. However, neither the Zoning By-law nor the Site Plan Control process provide for this.

OPTIONS:

- 18) Offer the developer density or other bonuses for including design elements such as the following:
 - o setbacks above ground level, especially above 2 floors
 - o "expression lines" that divide up the facade vertically
 - o different parts of a structure set back different distances from the street
- 19) Consider the above in the Site Plan Control Process.

Heritage Conservation

Planning policy supports the preservation of buildings and districts of historical and/or architectural merit. The Zoning By-law, however, generally discourages building preservation through restricting densities and uses. The Property Standards By-law does the same through making conversions difficult. Neither the Zoning By-law nor the Site Plan Control By-law provides for compatible development within heritage areas.

OPTIONS:

- 20) Modify the Zoning By-law to permit more commercial uses in the High Density Residential (see Option 3).
- 21) Modify the Zoning By-law on a site-specific basis to permit higher densities on properties containing heritage buildings. Infilling, therefore, would be more possible, in exchange for the preservation of the heritage building.
- 22) Relax certain provisions of the Property Standards By-law (e.g. - ceiling heights) to permit the conversion of heritage structures.

- 23) Allow a developer greater densities on one site in exchange for preserving a heritage building on another.
- 24) Encourage further the designation of structures under the Heritage Act.
- 25) Employ the Site Plan Control process to ensure that new development in heritage areas is compatible with existing development.
- 26) Encourage the establishment of additional heritage districts.

CITY DEVELOPMENT INITIATIVES

- o Phase 2 will consider the possibility of launching demonstration projects, either independently, with other levels of government, or with private developers.
- o Such projects would incorporate all or some of the concerns outlined above.

POLICY INITIATIVES

- o Phase 2 will establish designations and policies for the Durand Neighbourhood Plan High Density Residential Area deferred under the current review.
- o The policies of the Central Area Plan Update also will be reviewed, to make them address more clearly the need for additional High Density Residential and the design problems associated with that form of development. Furthermore, it might be necessary to modify Central Area Plan Update policies to permit some of the courses of action outlined above.

JD/dkp

WP 0617P

PHASE 2 HIGH DENSITY RESIDENTIAL DEVELOPMENT STUDY
TIME CHART

SCHEDULE 1

1987

1988

NO.	TASK	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
1	REVIEW OF INTERIM REPORT	=====*								
2	REVIEW OF POLICIES AND REGULATIONS OF OTHER MUNICIPALITIES	=====								
3	COST IMPLICATIONS OF CHANGES IN ZONING	=====								
4	SITE SPECIFIC IMPACTS OF CHANGES IN ZONING	=====								
5	PREPARATION AND REVIEW OF SUPPLEMENTARY REPORT		=====*							
6	OUTLINE AND EVALUATE OPTIONS		=====*	=====*						
7	OUTLINE RECOMMENDATIONS				=====*					
8	DRAFT REPORT AND FINALIZE					=====*	=====*	=====*	=====*	=====*

* ADVISORY COMMITTEE MEETING
@ PUBLIC MEETING
PLG & DEV COMMITTEE MEETING
\$ COUNCIL
& SUBMISSION

26

F O R A C T I O NFrom: PLANNING AND DEVELOPMENT DEPARTMENTDate: July 13, 1987To: PLANNING AND DEVELOPMENT COMMITTEERefer to File No. 415Attention: V. J. Abraham

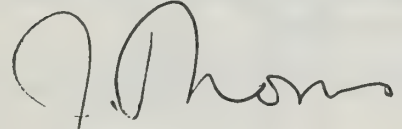
Your File No. _____

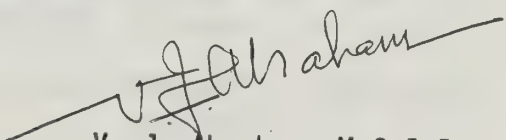
SUBJECT

Request of the Planning and Development Committee to solicit comments from owners of properties located on Burlington Street and on Industrial Drive to a proposed name change of Burlington Street to Industrial Drive.

RECOMMENDATION

1. That the proposed name change of Burlington Street not be approved; and,
2. That the Regional Clerk be notified of Council's decision.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director
Local Planning

BACKGROUND

In a letter the Regional Clerk advised Mr. E. A. Simpson, Clerk of the City of Hamilton that Regional Council at their meeting held on November 4, 1986 concurred in the following recommendation:

- "15. Consideration of the change in name of Burlington Street to Industrial Drive (Memorandum No. 1981).
 - 1) That Regional Council refer the request by the Regional Transportation Services Committee to change the name of Burlington Street to Industrial Drive, to the City of Hamilton Council; and,
 - 2) That consideration of such a road name change include consultation with abutting industry; and,
 - 3) That the City of Hamilton be notified of Regional Council's decision."

This matter was reported to the Planning and Development Committee at its meeting held on December 10, 1986 at which time the Committee directed staff to solicit comments from property owners, (Appendix A).

The notification for the proposed street name change from Burlington to Industrial Drive was sent out on May 8, 1987.

COMMENT

1. 684 notices were sent out and the response as of June 30, 1987 is as follows:

34 replies were received;

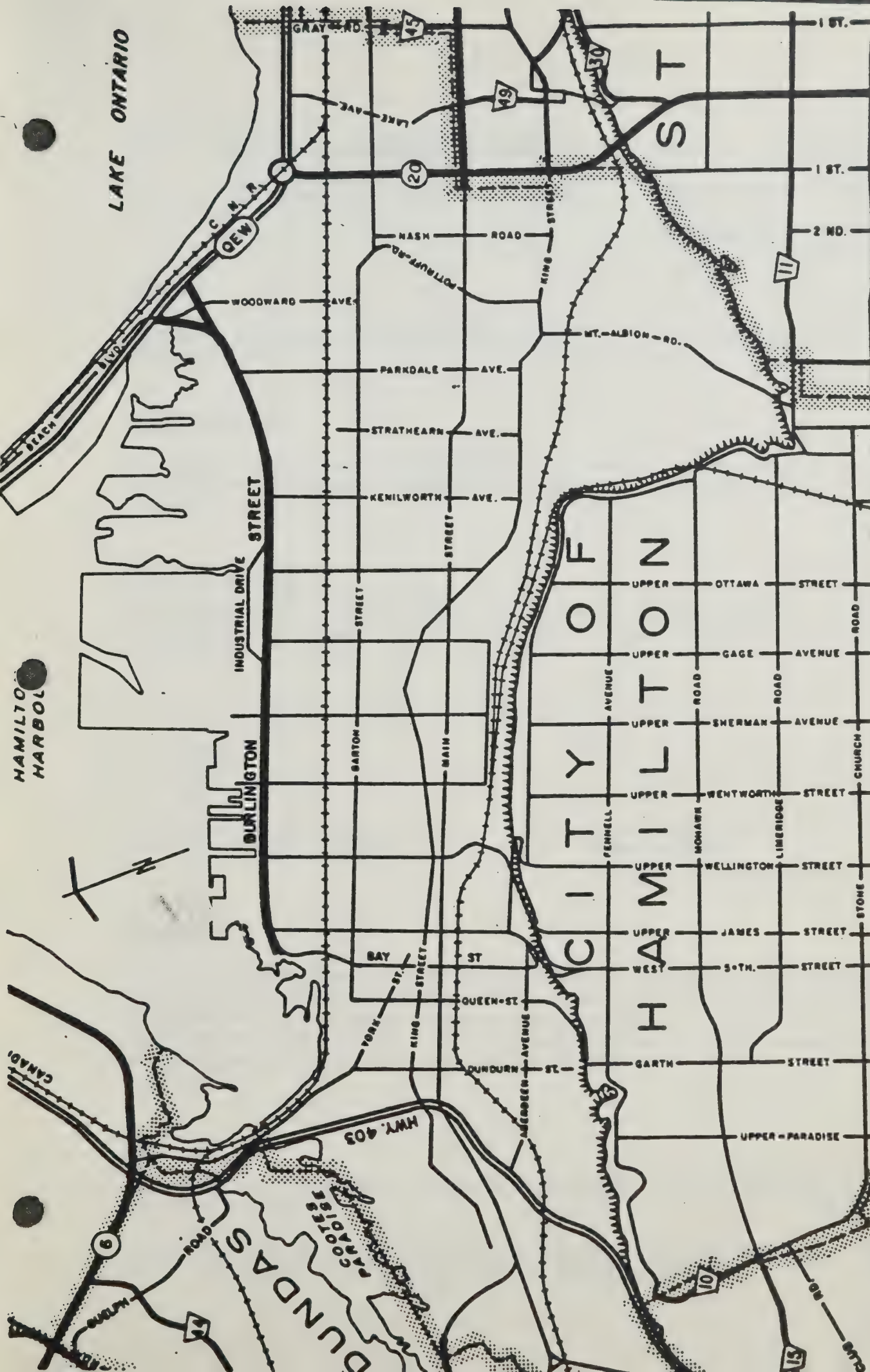
6 replies were in favour;

28 replies were against (some were made by telephone); and,

16 notifications were returned.
2. The number of replies are about 5% of the total 684 notifications which were sent out. About 18% of the replies were in favour of the proposed street name change but 82% were against the proposal.
3. In a number of replies against the proposed name change the following issues were addressed:
 - that the westerly section of Burlington Street is a residential street;
 - that the name Burlington Street has existed for more than 100 years;
 - that business stationary would have to be changed; and/or,
 - that identifications would have to be changed if a name change would occur.
4. It is noted that the number of replies received is insignificant and does not permit a forecast of the public opinion.
5. It is also noted that some of the large companies located on Burlington Street have not responded to the notification.
6. Based on the response to the notices sent out it is concluded that the proposal does not appear to be supported by property owners along Burlington Street.

JLS:dc

W.P. DOC. #0086P



LEGEND

— BURLINGTON STREET

CITY OF HAMILTON
FILE No. 415

Planning and Development Department
Hamilton, Wentworth Region

FROM Planning and Development Department

DATE August 4, 1987

TO Planning and Development Committee

Refer to File P5-2-50

Attention of V. J. Abraham

SUBJECT

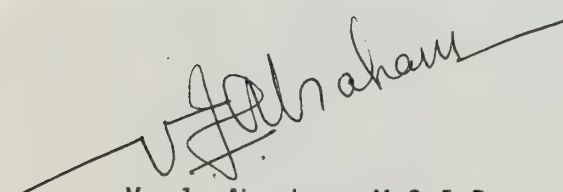
Requested walkway closure between Cranbrook Drive and Greyfriar Drive, Gilkson Neighbourhood.

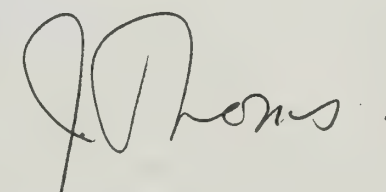
RECOMMENDATION

That owners and tenants of the area be invited to a public meeting of the Planning and Development Committee to discuss the requested closure of the walkway.

EXPLANATORY NOTE

The owner of 265 Cranbrook Drive in the Gilkson Neighbourhood has applied to the Regional Department of Transportation for the closure of the existing walkway.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

INTRODUCTION

The Regional Municipality of Hamilton-Wentworth Department of Transportation forwarded the request from Mr. and Mrs. V. W. Whitby of 265 Cranbrook Drive to close the walkway as shown on the attached map to the Planning and Development Committee for consideration. This request requires a neighbourhood plan amendment before it can be processed by the Transport and Environment Committee.

ANALYSIS

The walkway has been shown on the Gilkson Neighbourhood plan since it was approved in 1969.

The walkway was constructed in 1971 to provide pedestrian access to schools and a park, located in the centre of the neighbourhood.

The loss of the direct link will result in increased walking time and inconvenience for area residents especially to destinations such as the two schools and the park.

In general, walkways are important planning features which provide pedestrian movements within a neighbourhood.

CONCLUSION

The walkway generally improves intended pedestrian circulation in the neighbourhood. Therefore, the requested walkway closure should be subject to a public meeting.

GG/dkp

WP 0616P



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Transportation

(ROADS) 71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4277

(TRANSIT) 18 Wentworth St. N., Hamilton, Ont. L8L 5V1 (416) 527-4441

FILE #183-03/224

X-REF

LETTER No.

DEPT. OF TRANSPORTATION

JUL 20 1987

DIRECTOR

FILED BY

PROJECT PLAN

ROAD PROGRAM

CUSTOMER SERVICE

REF. TO

FILED BY

ID #0010D

ROAD ALLOWANCE CLOSURE APPLICATION FORM

Applicants Name: K.W. WHITBY

Address: 265 CRANBROOK DRIVE, HAMILTON

Telephone No.: 383-4819

Date of Application: JULY 6, 1987

Agents Name: —

Address: —

Telephone No.: —

Name of Proposed Road Allowance Closure:

From: WALKWAY WHICH RUNS FROM CRANBROOK TO

To: GREYFIER DOWN SIDE OF PROPERTY 265 + 26 CRANBROOK
42 + 46 GREYFIER.

Please indicate in the space below your comments or reasons why you are applying for this closure.

BROKEN Fence, (unsightly - dangerous.)
Continued Broken BEER Bottles - other debris
Weeds uncontrolled - Smoking - Drinking late
at night by young people - "Swearing"
Runned Solar blanket from discarded cigarettes.
Pots out of ground in some 1 1/2 feet - No pruning.

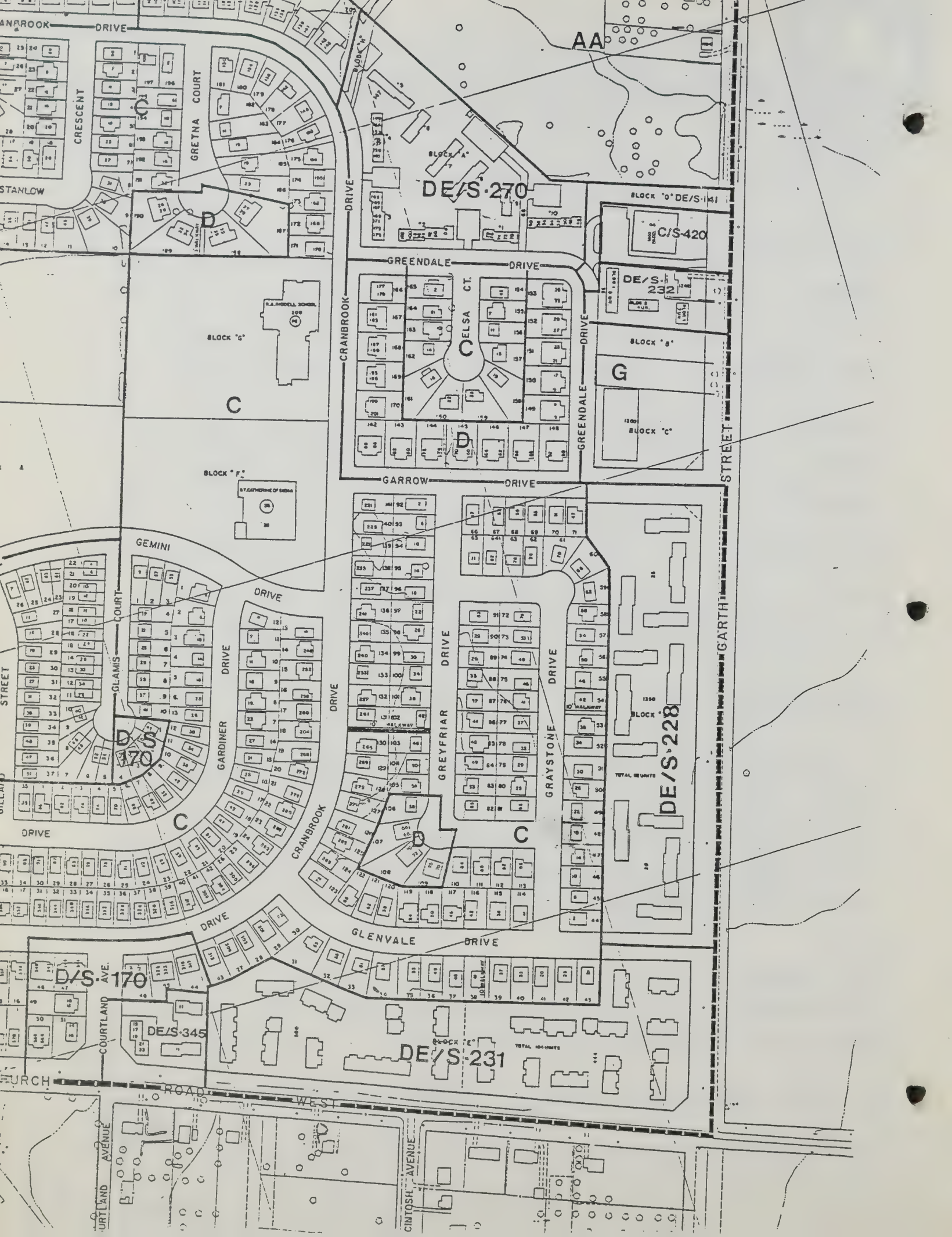
Please enclose your cheque for \$208.00, payable to the Regional Treasurer with this application. In the event that your application for closure is withdrawn prior to Committee submission, \$100 will be returned to the applicant.

No refund is provided after submission of application to the Committee.

Receipt No.
5627
790721
CA

Please contact Mr. C. Harason at 526-4279 regarding this application.

A/C T N2 0319-5312



28(a)

Subjoined is a resolution from City Council meeting held Tuesday, 1987 July 28.

It was moved by Alderman Gallagher and seconded by Alderman Merling

RESOLVED: that, at the point of occupancy of a dwelling in a new subdivision, the builder or developer be required to comply with the finished grading, weather permitting. If the grading does not comply the City of Hamilton give the builder or developer seven (7) days to comply. Failing that the City of Hamilton will correct the grading inequities and bill the developer or builder. - CARRIED.

It was moved by Alderman McCulloch and seconded by Alderman Agro.

RESOLVED: that the resolution of Alderman Gallagher dealing with finished grading in new subdivisions be referred to the Planning and Development Committee. - CARRIED.



RATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1987 August 14

18

NOTICE OF MEETING

PERSONNEL COMMITTEE

Wednesday, 1987 August 19
9:00 o'clock a.m.
Room 233, City Hall

E. A. Simpson, Secretary,
Personnel Committee.

EAS/gk

A G E N D A

1. Minutes of meeting held Wednesday, 1987 July 22
2. City Solicitor:
 - (a) (i) Agreement re firefighting services - City of Burlington
 - (ii) By-law re the above
 - (b) Extension of service - P. Eker
3. Township of Beckwith - Sales Tax - Fire Equipment
4. HUMAN RESOURCES CENTRE
 - (a) New Position - Administrative Assistant IV, Culture & Recreation Department
 - (b) Reclassification of Foreman positions - Horticultural Section of the Parks Department
 - (c) Salary adjustment - Head Cashier positions (Part-time) - Chedoke and Kings Forest
 - (d) General Assistant positions - Historic Sites Division Museums - Revised hourly rate
 - (e) Appointments and Terminations with The Corporation of the City of Hamilton to 1987 August 6

Personnel Committee Agenda (Cont'd.)

Page 2

5. INFORMATION ITEM

- (a) City of Hamilton Lost Time Frequency Rate for Second Quarter,
1987

Wednesday, 1987 July 22
9:00 o'clock a.m.
Room 233, City Hall

The Personnel Committee met.

There were present: Alderman M. Kiss, Chairperson
Alderman R. Wheeler, Vice-Chairman
Alderman W. McCulloch
Alderman B. Hinkley
Alderman D. Christopherson
Alderman J. Smith
Alderman H. Merling
Alderman D. Ross

Absent: Mayor R. Morrow (City business)

Also present: Mr. L. Sage, Chief Administrative Officer
Mrs. D. Jones, Manager of Personnel Services
Mrs. C. Lowe, Manager of Labour Relations
Chief L. G. Saltmarsh, Fire Department
E. A. Simpson, Secretary

The minutes of the meeting held Tuesday, 1987 June 17 were taken as read and approved.

On the recommendation of the Acting Fire Chief the Committee approved of the City entering into an Agreement to purchase the services of the Burlington Fire Department for that area north of the High Level Bridge during the repair work that is being carried out to the bridge. The City of Burlington to be reimbursed on the following basis: \$200 for the first hour and \$100 for each additional hour for each unit dispatched. This Agreement to be prepared by the City Solicitor's Department.

On the recommendation of the Director of the Human Resources Centre the Committee approved the following items for recommendation to City Council:

- (a) An increase of 4.5%, effective January 1, 1987, to be applied to the present fee paid to Dr. J. D. Bell for services rendered in conducting annual medicals for the Hamilton Fire Department.
- (b) The Collective Agreement between The Rodmen Employer Bargaining Agency and The Rodmen Employee Bargaining Agency Local Union 736 (Hamilton), as set out herein:

The Rodmen Employer Bargaining Agency and the Rodmen Employee Bargaining Agency.
Local Union 736 (Hamilton)

Classification	Effective Date	Wages	Pension	Welfare	Vac. & Hol. Pay	Trade Improv.	Total Wage Pkg.
Rodmen &	May 1/87	\$18.69	\$ 1.25	\$ 1.50	\$ 1.87	\$0.05	\$23.36
Rodmen Welders	Nov.1/87	\$18.92	\$ 1.25	\$ 1.50	\$ 1.89	\$0.05	\$23.61

FOREMAN \$1.75 above Journeyman's rate
SUB-FOREMAN (PUSHER) \$1.25 above Journeyman's rate

Overtime premium is payable on this rate.

87-77

Agreement to purchase services of Burlington Fire Dept. for area north of High Level Bridge while under repairs

87-78

Increase granted to Dr. J. D. Bell for medicals - Fire Dept.

87-79

Collective Agreement between The Rodmen Employer Bargaining Agency and The Rodmen Employee Bargaining Agency Local Union 736 (Hamilton)

- (c) Memorandum of Agreement between The Corporation of the City of Hamilton and The Hamilton Professional Fire Fighters' Association dated June 18, 1987, as set out herein:

THIS MEMORANDUM OF AGREEMENT MADE THIS 18th DAY OF JUNE, 1987

BETWEEN THE NEGOTIATING COMMITTEES OF:

THE CITY OF HAMILTON

AND

THE HAMILTON PROFESSIONAL FIRE FIGHTERS ASSOCIATION

- I The parties herein agree to the terms of this Memorandum of Agreement as constituting full settlement of all matters at issue between the parties.
- II The undersigned representatives of the parties agree to recommend, unanimously, acceptance of all the terms of this Memorandum to their respective principals.
- III The parties herein agree that the term of the Collective Agreement shall be January 1, 1987 to December 31, 1989.
- IV The parties agree that all provisions of the Collective Agreement covering the period January 1, 1985 to December 31, 1986 shall continue in effect as amended by the following provisions.
- V The Collective Agreement shall be amended in accordance with the following and such amendments shall become effective upon ratification by both parties whose appropriate officers have appended their signatures hereto, save and except where this Memorandum of Agreement specifically provides otherwise.

The following are the amendments referred to in item V above:

1. ARTICLE 4 - HOURS OF EMPLOYMENT

- a. Delete clauses 4.1 (c), 4.7 and "the Airport Division" from the first sentence.

2. ARTICLE 5 - OVERTIME COMPENSATION

Amend the second set of (a) and (b) to (i) and (ii).

3. ARTICLE 7 - ANNUAL VACATIONS

a. Effective January 1, 1988 amend 7.4 to 7.10 as follows:

- 7.4 Employees in the employ of the Employer who have completed nine (9) years of continuous service in that calendar year shall receive four (4) weeks vacation with pay.
- 7.5 Employees in the employ of the Employer who have completed seventeen (17) years of continuous service in that calendar year shall receive five (5) weeks vacation with pay.
- 7.6 Employees in the employ of the Employer who have completed twenty (20) years of continuous service in that calendar year shall receive five (5) weeks and one (1) day vacation with pay.
- 7.7 Employees in the employ of the Employer who have completed twenty-one (21) years of continuous service in that calendar year shall receive five (5) weeks and two (2) days vacation with pay.
- 7.8 Employees in the employ of the Employer who have completed twenty-two (22) years of continuous service in that calendar year shall receive five (5) weeks and three (3) days vacation with pay.
- 7.9 Employees in the employ of the Employer who have completed twenty-three (23) years of continuous service in that calendar year shall receive five (5) weeks and four (4) days vacation with pay.
- 7.10 Employees in the employ of the Employer who have completed twenty-five (25) years of continuous service in that calendar year shall receive six (6) weeks vacation with pay.

4. ARTICLE 11 - SICK LEAVE, PENSION, GROUP MEDICAL, DENTAL AND HOSPITALIZATION PLANS, AND GROUP LIFE INSURANCE PLAN BY-LAW 8223 as amended

- a. Delete clause 11.1 (b) and renumber the remaining clauses accordingly.

b. Amend clause 11.5 as follows:

The Employer shall pay the full cost of the premiums of the Canada Life Extended Medical Plan, including semi-private coverage, drugs and vision care, for all employees, as detailed in the attached schedule "6".

c. Schedule "6" shall be amended as follows:

- (1) Vision Care Plan shall be amended to \$100.00 in any two consecutive calendar years.

- (11) The following optional paramedical services qualify as charges but only to the extent that they are duly qualified in accordance with the laws of the Province in which they are practising within the scope of their license.

Chiropractors
Osteopaths
Chiropractists or Podiatrists
Charges for diagnostic X-rays and laboratory fees ordered by any of the above.

The maximum charge for each visit is not to exceed the schedule of fees approved by the Association of which the practitioner is a member, and where there is no approved schedule of fees, the charge must be reasonable.

The maximum is \$400.00 per person per calendar year.

d. Amend clause 11.5 as follows:

The Employer shall pay the full cost of the Canada Life Dental Plan as detailed in the attached schedule.

e. Schedule "6" shall be amended as follows:

- (1) Item I - Removable Prosthodontics shall be deleted and replaced with the following:

I. Removable Prosthodontics

- (1) Complete Dentures
51100, 51110, 51120, 51300, 51310, 51600, 51610, 51620.
- (2) Transitional Partial Dentures
52120, 52121
- (3) Partial Dentures
52220, 52221, 52230, 52231, 52320, 52321

- (4) Cast Chrome, Cobalt, or Gold:
52400, 52410, 52500, 52510, 52520, 52525, 52530,
52531, 52535, 52600, 52610, 52620, 52630, 52800

J. Fixed Prosthodontics

- (1) Pontics
62100, 62500, 62510, 62600, 62700, 62800
- (2) Retainers - Inlay, Onlay:
65200, 65300, 65400
- (3) Repairs
66100, 66200, 66300, 66400, 66500, 66600, 66610,
66620
- (4) Retainers - Crown
67100, 67101, 67200, 67400, 67410, 67600
- (5) Splinting
69610, 69620
- (6) Retentive Pins in Abutments
69701, 69702, 69703, 69704, 69705

K. Major Restorative

- (1) Metal Restorative
25100, 25200, 25300, 25500
- (2) Retentive Pins in Inlays and Crowns
25601, 25602, 25603, 25604, 25605
- (3) Crowns
27100, 27110, 27130, 27140, 27200, 27210, 27300,
27310, 27401, 27403, 27411, 27413, 27500, 27700,
27710, 27800, 27810
- (4) Other Services
29100, 29300, 29500, 29510

If the insurance under provisions with respect to an insured person terminates due to termination of (i) the individual's employment, (ii) the individual's membership in the class or classes of individuals eligible for insurance or (iii) the policy, and the insured person has commenced treatment covered under this provision prior to such termination, insurance under this provision with respect to the insured person will, notwithstanding the termination, be deemed to continue in force for 30 days with respect to charges incurred for the same treatment. The exception to the foregoing shall be that if the insured person has had an impression taken or a tooth prepared for a crown, bridge or denture in accordance with I, J, or K above prior to such termination, insurance under this provision with respect to the insured person will

notwithstanding the termination, be deemed to continue in force for 90 days but only with respect to charges covered under I, J, or K for or resulting from the aforesaid impression, crown, bridge or denture.

Charges for replacement of an existing partial or full removeable denture or fixed bridgework, or the addition of teeth to an existing partial removeable denture or to bridgework to replace extracted natural teeth, will only be paid for if evidence satisfactory to the Insurance Company is presented that:

- (i) the replacement or addition of teeth is required to replace one or more additional natural teeth extracted after the existing denture or bridgework was installed and while the insured person is covered under this provision, or
- (ii) the existing denture or bridgework was installed at least five years prior to its replacement and that the existing denture or bridgework cannot be made serviceable, or
- (iii) the existing denture is an immediate temporary denture replacing one or more natural teeth, for which impressions were taken while the insured person is covered under this provision, and replacement by a permanent denture is required, and taken place within twelve months from the date of installation of the immediate temporary denture, or
- (iv) the existing denture or bridgework is replaced by an equivalent denture or bridgework.

The maximum amount payable with respect to I, J, or K coverage defined above which are incurred by each insured person under this provision in any twelve consecutive months shall not exceed One Thousand Five Hundred dollars (\$1,500.00).

If an insured person incurs any of the I, J, or K coverage defined above while the insurance under this provision with respect to the insured is in force, the Insurance Company will pay to the individual an amount equal to eighty per cent (80%) of the charges incurred.

- L. Orthodontics (applicable to Dependent Children to the age of 18 only)

All necessary dental treatment which has as its objective the correction of malocclusion of the teeth.

Coverage is provided at 50% of the dentist's charge, or at 50% of the Fee Guide or Schedule of Fees for general practitioners, whichever is lower. There is a lifetime maximum payment under this coverage of fifteen hundred dollars (\$1,500.00).

- d. Remove the word "normal" from Note (2) of clause 11.7 so that (2) reads as follows:

(2) Retired shall mean retirement as set out in

- (i) H.M.R.F.
- (ii) O.M.E.R.S.

and shall include retirement because of disability as described in these plans.

- e. Replace (c) with the following:

(3) The foregoing shall apply to employees of the Hamilton Fire Department who have retired January 1, 1985 and after with the exception of those who have taken employment elsewhere and are eligible for benefit coverage through another Employer.

- f. Add clause 11.8 as follows:

The Employer shall pay the full cost of the premiums of a life insurance plan that provides five thousand dollars (\$5,000.00) coverage for each members spouse and three thousand dollars (\$3,000.00) coverage for each members dependent child.

- g. Add clause 11.9 as follows:

The Employer shall pay the full cost of the premiums of a Accidental Death and Dismemberment Policy equal to two (2) times the employee's annual basic wage rate to the nearest one thousand dollars.

- h. Add clause 11.10 as follows:

The members of the Association agree to waive their right to their Unemployment Insurance Rebate.

- i. Add clause 11.11 as follows:

The Employer shall provide a permanent partial disability plan for all members of the H.M.R.F. and O.M.E.R.S. plans.

The Employer and the Association to agree to the definition of permanent partial disability prior to implementation of the coverage.

- j. all members of the H.M.R.F. shall be allowed to purchase their full service with the Corporation. The Employer shall request that the Employer's share of the contributions be funded from the H.M.R.F. Employees shall have until December 31, 1988 to purchase this service.

S. ARTICLE 13 - LEAVE OF ABSENCE

- a. Amend 13.3 to read as follows:

Leave of absence without loss of pay shall be granted an employee attending the burial of a member of his/her family consisting of spouse, child, stepchild, parent, parent-in-law, sister or brother, grandparent or grandchild, brother-in-law or sister-in-law. Such leave of absence shall not be more than three days.

- b. Delete 13.3 (b).

S. ARTICLE 14 - PROMOTIONS, SENIORITY AND TRANSFER

- a. Amend 14.4 as follows:

- 14.4 (b) A fire fighter up to and including 1st class who transfers from one division to another shall progress through the ranks for periods of six months until he/she attains his/her previous rank.

- b. Delete 14.5

c. Add new 14.8 as follows:

All new employees shall serve a probationary period of twelve (12) months. New employees (i.e. hired from outside the Fire Department) in the classifications of Divisional Chief of Administration, Public Relations Officer, Supervisor of Vehicles and Equipment Repairs and Mechanic will be paid at 98% of the job rate for the probationary period. --

6. ARTICLE 15 - UNIFORMS AND EQUIPMENT

- a. Amend Schedule "B" to reflect the current 8 clothing packages and add a 9th package that provides for a tunic package once every 4 years with the exception that those firefighters holding the rank of District Chief and above, and members of the Fire Prevention Bureau may select this 9th package once every two years.

7. ARTICLE 19 - LONG SERVICE PAY

- a. Add ten dollars (\$10.00) to 19.1, twenty dollars (\$20.00) to 19.2, thirty dollars (\$30.00) to 19.3, forty dollars (\$40.00) to 19.4, fifty dollars (\$50.00) to 19.5, sixty dollars (\$60.00) to 19.6, seventy dollars (\$70.00) to 19.7 and eighty dollars (\$80.00) to 19.8.

8. ARTICLE 24 - DURATION OF AGREEMENT

Amend dates to reflect a term of January 1, 1987 to December 31, 1988.

9. LETTERS OF INTENT

- a. Add letter of intent to provide for discussions in the forthcoming contract year regarding the concept of flexible benefit plans.
- b. Add letter of intent regarding introduction of Fire Fighting clothing that meets the PROJECT FIRES MODEL PERFORMANCE CRITERIA as agreed upon by the Health and Safety committee; clothing to be phased in over 5 years; in the event the requirements change the phase-in time would have to be re-established.

c. Delete Letters of Intent re:

- Re-examination of titles of Assistant Deputy Chief and
i Executive Officer.
- ii Bank deposit of paycheques.
- iii Probationary period.

d. Delete Schedule "F" as it is covered in clause 13.5.

10. OTHER ITEMS

a. Employer is to be substituted for Corporation and the City of Hamilton.

Director of Human Resources is to be substituted for Personnel Director or Director of Personnel.

Human Resources Centre is to be substituted for Personnel Department.

- b. Recognition that Chief will put policy in place that notification must be provided to the Department if a firefighter loses his driver's license.
- c. Chief to communicate with Chief Fire Prevention Officer regarding Fire Prevention Bureau members being allowed to take one week of vacation in individual days.

11. SCHEDULE "A"

- a. Reclassify Chief Fire Prevention Officer to C-12/A. Reclassify Supervisor of Vehicle & Equipment Repairs, Public Relations Officer, Communications Officer and Assistant Chief Fire Prevention Officer to C-9/A.
- b. All positions in the C-9/A classification are to have job descriptions prepared and evaluated by the City of Hamilton's evaluation system. The results of this evaluation will be discussed with the Firefighters Association. In the event the evaluation results in a salary increase the amount will be retroactive to January 1, 1987.
- c. Retitle Executive Officer to Assistant Deputy Chief. Retitle Assistant Deputy Chief to Platoon Chief.
- d. Amend contract to reference 4 Fire Safety Officers.
- e. Delete Notes **, ***, and **** in Schedule "A".

f. Amend rates in Schedule "A" by 4.0% effective January 1, 1987.

Amend rates in Schedule "A" by 1.74% effective July 1, 1987.

Amend rates in Schedule "A" by 4.0% effective January 1, 1988.

Amend rates in Schedule "A" by 1.25% effective July 1, 1988.

Signed in Hamilton this 18th day of June, 1987.

Cheryl Howe
[Signature]
[Signature]
[Signature]

Lawrence Stiles
J.W. Githen
R. Bann
[Signature]

- (d) Appointments and Terminations in permanent and temporary service with The Corporation of the City of Hamilton to 1987 July 13.

A recommended Hiring Policy dealing with nepotism was presented to the Committee from the Director of the Human Resources Centre. Before dealing with it the Committee directed that it be forwarded the various Unions and Associations for their comments.

On the recommendation of the City Solicitor the Committee agreed to recommend to Council that his Account Number 0325-0156 for Consultants' fees be increased by \$77,144. This additional money is required to cover actual and anticipated expenses for the balance of the current year. The Finance Committee to be requested to recommend the method of financing.

Mr. K. Rouff, City Solicitor, appeared before the Committee in connection with the report from the Parks and Recreation Committee on the cause for the delays in the Solicitor implementing Council's decision involving the execution of an Agreement with Maple Leaf Gardens Limited for leasing the food and drink concessions at the City's golf courses. Mr. Rouff indicated that the problem had been resolved.

The Committee approved of the following recommendations from the Director of Property pertaining to Victor P. Pala Architect Ltd.:

- (a) That Item 1 of the Fifteenth Report of the Personnel Committee adopted by City Council at its meeting held Tuesday, November 11, 1986, be rescinded.

Note: For the information of the Members of the Committee Item 1 authorized an amendment to an existing contract with Victor Pala for architectural services respecting construction of Fire Station No. 5 at Stone Church Road and Birchmount. This station was not built. The services provided were utilized in constructing the Quigley Road Fire Station No. 7. Accordingly, a new contract is required for the new station No. 5 that is being built at Limeridge and Upper Ottawa.

- (b) The Statutory Holdback in the amount of \$4,838.44 deducted from Mr. Pala's consultant fee of \$32,256.25, for architectural services performed in respect to the original location of Fire Station No. 5 at Stone Church Road and Birchmount, to be released.
- (c) The Mayor and City Clerk to be authorized to execute a Consultant's Agreement with Victor P. Pala Architect Ltd., for architectural services for the construction of the new Fire Station No. 5, located at Limeridge and Upper Ottawa Street, for a total fee of \$74,675. The Agreement to be in a form satisfactory to the City Solicitor's Department.

Chief Saltmarsh submitted a recommendation that the Hamilton Fire Department provide agility testing and probationary training for the City of Stoney Creek Fire Department, at the Simulated Fire and Rescue Complex. The foregoing will be provided on a "charge for services" basis, and it is estimated that the City of Hamilton will realize approximately \$18,575 for this service. The Committee approved of this recommendation.

87-81
Appointments and
Terminations

87-82
Hiring Police -
Nepotism

87-83
Solicitor's
Consultants' fees
to be increased

87-84
Delays in implement-
ing decisions of
City Council -
matter resolved

87-85
Recommendations from
Director of Property
concerning contract
with Victor P. Pala
Architect Ltd. -

87-86
Fire Dept. to provide
agility testing &
probationary training
for Stoney Creek
Fire Department

Personnel Committee

Wednesday 1987 July 22

-87

1988 - 1992
Capital Budget
Timetable and
Approval Process -

The City Treasurer forwarded a 1988-1992 Capital Budget Timetable and Approval Process. The Committee moved that this be received.

The meeting then adjourned.

Taken as read and approved.

ALDERMAN M. KISS, CHAIRPERSON

E. A. SIMPSON, SECRETARY

Typed by G. Kerr.

MEMORANDUM • CITY OF HAMILTON

2(a)
RECEIVED

TO : Mr. E. A. Simpson
City Clerk

YOUR FILE: JUL 29 1987

FROM : Philip R. A. Hooker
City Solicitor's Office

OUR FILE : 1-CITY4CLERKS

SUBJECT : Agreement to purchase
Burlington Fire Department
services for York Boulevard
area - Twelfth Report of the
Personnel Committee, Item 1

DATE : 1987 July 29

The above item on the Council agenda refers to the making of an Agreement between the Cities of Hamilton and Burlington, on account of the temporary closing of the High Level Bridge.

In order to make such an Agreement, authorizing by-laws of both Hamilton and Burlington are required under The Municipal Act, as well as council resolutions of each municipality.

Enclosed please find original and 2 copies of draft By-law, to which is appended a draft Agreement.

Please arrange to have this draft by-law considered and enacted at Council's next meeting, pursuant to the above Council item. Please provide 3 certified copies of the By-law when enacted.

Meanwhile, we will submit the draft Agreement to Burlington for processing.

Thank you.

Philip R. A. Hooker

Philip R. A. Hooker
for K.A. Rouff
City Solicitor

PRAH:sr
Enc.

c.c. Mr. J. Fitzpatrick
Deputy Fire Chief File 1.3.14.1.

The Corporation of the City of Hamilton

BY-LAW NO. 87-

To Authorize:

Execution of an Agreement Between

The City of Hamilton and The City of Burlington

Respecting:

FIRE PROTECTION

WHEREAS paragraph 1 of section 208 of The Municipal Act, R.S.O. 1980, Chapter 302 provides as follows:

By-laws may be passed by the councils of all municipalities:

1. For entering into agreement with any other municipality or person for the use of the fire-fighting equipment or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration based on cost as may be agreed upon, provided that notwithstanding the provisions of any such agreement no liability accrues to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it;

AND WHEREAS it is intended herein to enter into an Agreement as aforesaid.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Mayor and the City Clerk are hereby authorized and directed to execute an Agreement in form and content hereto annexed as Schedule "A" and forming part of this By-law.

PASSED this day of A.D. 1987.

City Clerk

Mayor

THIS AGREEMENT made in triplicate the 28th day of July,
1987.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called "Hamilton")

of the First Part

- and -

THE CORPORATION OF THE CITY OF BURLINGTON

(hereinafter called "Burlington")

of the Second Part

WHEREAS The Municipal Act, R.S.O. 1980, ch. 302 as amended,
section 208, paragraph 1, provides as follows:

"208. By-laws may be passed by the councils of all
municipalities:

1. For entering into agreement with any other
municipality or person for the use of the fire-fighting
equipment, or any of it, of the municipality or of such
other municipality or person upon such terms and
conditions and for such consideration based on cost as
may be agreed upon, provided that notwithstanding the
provisions of any such agreement, no liability accrues
to the municipality or person for failing to supply the
use of the fire-fighting equipment, or any of it.";

AND WHEREAS for the purposes of firefighting by its Fire
Department on and near the highway known as York Boulevard, north of
the High Level Bridge, in the City of Hamilton, Hamilton desires
Burlington's assistance in providing fire suppression units
(hereinafter defined in clause 2 hereof) when requested to do so, to
assist in fighting any fire in progress thereat;

AND WHEREAS Burlington has agreed to provide the fire
suppression units on request, subject to availability and subject to
the terms of this Agreement;

AND WHEREAS the Council of Hamilton, at its meeting on July 28, 1987, in adopting Item 1 of the 12th Report of the Personnel Committee for 1987, passed the following resolution:

- "1. That the Mayor and City Clerk be authorized to execute an Agreement to be entered into with the City of Burlington to have the Burlington Fire Department respond, on request of the Hamilton Fire Department, to that area of the City of Hamilton located north of the High Level Bridge on York Boulevard, for that period of time that the High Level Bridge is closed for reconstruction purposes.

The City of Burlington to be reimbursed on the following basis: \$200 for the first hour and \$100 for each additional hour for each unit dispatched. This Agreement to be prepared by the City Solicitor's Department."

AND WHEREAS by letter dated July 27, 1987, a copy of which is annexed to and forms Schedule "A" to this Agreement, the Hamilton Professional Fire Fighters Association concurred with the making of this Agreement until reconstruction of the said High Level Bridge is complete;

AND WHEREAS, pursuant to section 208, paragraph 1 of the said Municipal Act the Council of Hamilton did on the day of , 1987, enact its By-law 87- , authorizing Hamilton to enter into this Agreement, and the Council of Burlington did on the day of , 1987, enact its By-law -1987, authorizing Burlington to enter into this Agreement;

WITNESSETH that in consideration of the premises, the payment of the sum of one dollar (\$1.00) of lawful money of Canada now paid by the Party of the First Part to the Party of the Second Part (receipt of which is hereby by it acknowledged) and other good and valuable consideration, the parties hereto hereby covenant and agree as follows:

Area
Affected

1. The land area which is the subject of this Agreement shall be that part of the highway known as York Boulevard located in the City of Hamilton, extending between a point immediately north of the High Level Bridge northerly to a point where the said York Boulevard is intersected by Plains Road and includes the roads immediately abutting the said York Boulevard to the east and west thereof, as shown emphasized in yellow on a plan attached hereto and forming Schedule "B" to this Agreement.

Inter-
pretation

2. In this Agreement:

- (a) the expression "fire suppression units" shall mean fire suppression apparatus owned by Burlington and firefighting personnel therewith suitable for fighting fires in the area described in clause 1 hereof.
- (b) the expression "firefighting personnel" shall mean that member or those members of Burlington's Fire Department assigned by Burlington to drive and operate or accompany the apparatus referred to in subclause (a) of this clause.
- (c) the expression "senior officer" shall mean the most senior officer of the Hamilton Fire Department present at the scene of a fire at, or in the immediately abutting area of, York Boulevard.

Avail-
ability

- 3. (a) It is expressly understood and agreed by the parties hereto that the terms of this Agreement as to Burlington's Fire Department's providing, at the request of Hamilton's Fire Department, the attendance of Burlington's fire suppression units and firefighting personnel for assistance in fighting a York Boulevard area fire in Hamilton shall be subject to the availability of both the fire suppression units and the firefighting personnel, and that Burlington shall not be obliged nor expected to provide the same should they or either of them be temporarily not available on account of their being required for use in Burlington, not operational for any reason or otherwise for any reason unavailable when requested by the Hamilton Fire Department to attend as aforesaid, in which event Burlington's Fire Department shall advise Hamilton's Fire Department of such unavailability at the time the latter requests the attendance of the fire suppression units.
- (b) In the event that Burlington ceases to possess operational fire suppression units or employ firefighting personnel for a period of more than 5 consecutive days, Burlington shall immediately notify in writing the Chief of the Hamilton Fire Department of that situation.

Response

4. Subject to clause 4 hereof, upon telephone request of the Hamilton Fire Department, Burlington's Fire Department shall forthwith dispatch to the area of York Boulevard specified in the aforesaid telephone request suitable fire suppression units. Each Fire Department shall notify the other immediately of any changes in telephone number or interruption of telephone service.

Direction
at Fire
and
records

5. Upon arrival at the specified area (hereinafter called "the fire site") the fire suppression units and firefighting personnel shall be subject to deployment, direction and control of the senior officer and shall remain subject to such deployment, direction and control at the fire site until unequivocally dismissed therefrom by the senior officer. The firefighting personnel or Burlington's Fire Department, as the case may be, shall further, if demanded, promptly provide written as well as oral reports to Hamilton's Fire Department as to, inter alia, the equipment used from the fire suppression units and such other recorded information as is from time to time required by Hamilton's Fire Department for fire reports. Notwithstanding the foregoing, the firefighting personnel shall at all times and for all purposes remain employees of Burlington and in particular, but without limiting the generality of the foregoing, with respect to all claims or liabilities concerning injury, worker's compensation, salary and the like matters of employment or risk, as though such claim or liability occurred in the course of their regular employment in Burlington.

Payments

6. Hamilton shall pay for Burlington's fire suppression units' assistance herein at the rate of two hundred dollars (\$200.00) for the first hour of each attendance and one hundred dollars (\$100.00) for each additional hour, for each unit dispatched. The hours paid for shall run from the time of Hamilton Fire Department's fire suppression units request call to the Burlington Fire Department to and including the time the fire suppression units return to their usual quarters in Burlington.

In the event that the fire suppression units are called from a York Boulevard area fire directly to a fire in progress in Burlington, the end of the paid period in that case shall be the estimated time of arrival of the fire suppression units at their regular quarters in Burlington, had they not been summoned to attend the fire in progress in Burlington. Burlington shall invoice Hamilton on the above basis for each attendance of its fire suppression units in Hamilton and Hamilton shall pay each invoice promptly after receipt thereof.

Liability 7. Pursuant to section 208, paragraph 1 of The Municipal Act, no liability shall accrue to Burlington herein for failing to supply the use of the fire suppression units to Hamilton for any reason.

Notices 8. Any notice to be given to Hamilton pursuant to this Agreement shall be deemed to be properly given if personally delivered or sent by prepaid, ordinary mail addressed to the Corporation of the City of Hamilton, City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4, Attention: The City Clerk, and any notice so mailed shall be deemed to have been received on the third business day after the mailing thereof. Any notice to be given to Burlington pursuant to this Agreement shall be deemed to be properly given if personally delivered or mailed by prepaid, ordinary mail addressed to The Corporation of the City of Burlington, Box 5013, 426 Brant Street, Burlington, Ontario L7R 3Z6, Attention: The City Clerk, and any notice so mailed shall be deemed to have been received on the third business day after the mailing thereof.

Headings 9. The marginal captions or headings herein shall be deemed to be inserted for convenience of reference only and the interpretation of this Agreement shall not be affected by nor subject to the same,

Enurement 10. This Agreement shall enure to and be binding upon the parties hereto and their respective successors and assigns and shall take effect when executed by both parties hereto.

Termination

11. This Agreement shall subsist in force until terminated by Notice from either party, signed and sealed by its City Clerk, and given to the other party in accordance with the provisions of clause 9 hereof. No such termination shall take effect until thirty (30) days after the giving of such notice.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals, duly attested to by their authorized signing officers in that behalf, as of the date first above written.

THE CORPORATION OF THE CITY OF HAMILTON

Mayor

City Clerk

THE CORPORATION OF THE CITY OF BURLINGTON

Mayor

City Clerk

SCHEDULE "A"

Hamilton Professional Fire Fighters Association

President

Ron Bowman

Treasurer

Bill Aitken



Secretary

Larry Staples
19 Laurier Avenue,
Hamilton, Ontario.
388-3341

July 27th, 1987

Mr. J. F. FitzPatrick, Deputy Chief
Hamilton Fire Department,
55 King William Street,
Hamilton, Ontario.

Dear Sir:

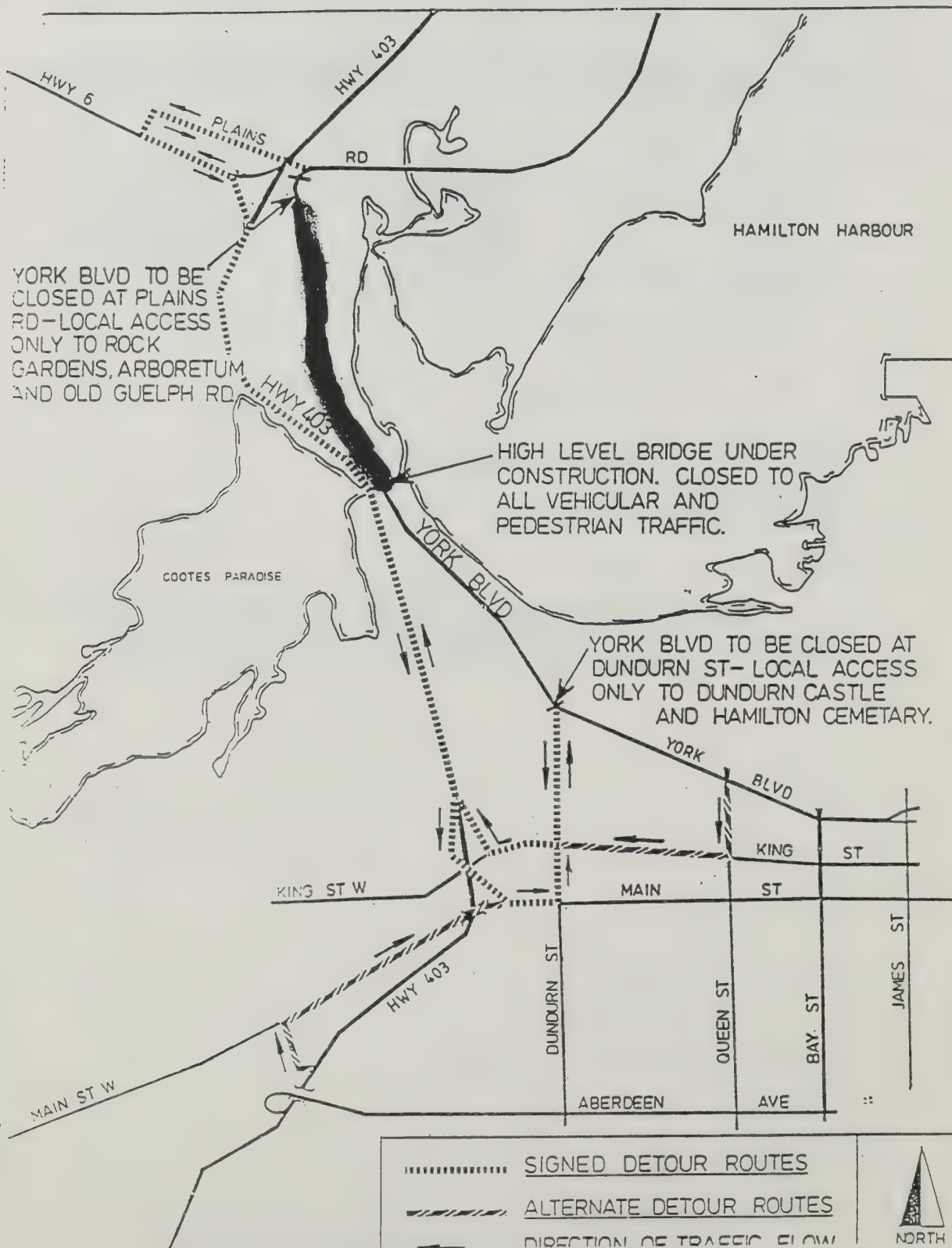
With reference to your letter dated July 8th, 1987 regarding assistance from the Burlington Fire Department in providing fire protection to that area of York Boulevard, north of the High Level Bridge, please be advised that your request to waive Article 2.4 of the Collective Agreement is hereby granted.

Yours, truly,

Larry Staples, Secretary
H.P.F.F.A.

MAKE EVERY WEEK - "FIRE PREVENTION WEEK"

SCHEDULE "B"



2 (b)

FOR ACTION

RECEIVED

AUG 10 1987

1987 August 10

FROM K. A. Rouff, City Solicitor
Chairman and Members,
TO Personnel Committee
Attn: Mr. E. A. Simpson, Secretary

DATE 1987 August 10
Refer to CITY CLERKS 400-5.8

Attention Of K.A. Rouff

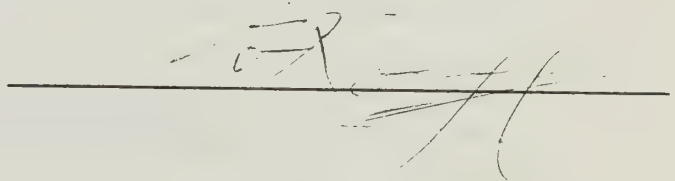
Your File No. _____

SUBJECT

Retirement, October 31, 1987 -- P. M. Eker.

RECOMMENDATION

That Mr. P. M. Eker's official retirement date of October 31, 1987 be advanced to October 31, 1988 and that his present employment be continued until October 31, 1988.



BACKGROUND

Mr. Eker has been employed in the City Solicitor's Department as a staff lawyer since 1967. He is presently the most senior staff lawyer in the Department and is classified as "Senior Legal Advisor".

Mr. Eker possesses a highly specialized knowledge based on his experience prior to 1967 and acquired since then, including legislative and By-law drafting, financial matters relating to O.M.B. approvals, zoning, community improvement, business improvement areas, etc., which cannot be duplicated in the Department with the resources available. His fund of knowledge is very extensive and extremely valuable. It should be available and his services extended for another year, in order to forestall delays and ensure prompt legal implementation of Council's policies in respect of those matters with which he deals.

The other alternative is to hire knowledgeable outside counsel. This would be extremely expensive and would not necessarily produce as prompt implementation as inside staff.

- c.c. Mr. L. Sage,
Chief Administrative Officer
- c.c. Mrs. Cheryl A. Lowe, Commissioner,
Human Resources Centre

Yvonne L. Robert, A.M.C.T.(A).
CLERK AND TREASURER

TELEPHONE 257-1539

Township of Beckwith
Lanark County

3

R.R. No. 2
Carleton Place, Ont.
K7C 3P2

July 22nd, 1987

L. Sage
Chief Administrative Officer
City of Hamilton
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Dear Mr. Sage:

The following resolution was passed by the Council of the Township of Beckwith as they feel that the Province of Ontario should recognize that municipalities are providing a lifesaving service to the public by supplying fire protection and auto extrication at an extremely high cost to the municipalities not only for equipment purchases but also maintenance and supplies of this equipment and therefore, the Province should not overburden the municipalities by adding the sales tax onto such services and supplies.

Moved by Mervin Devlin
Seconded by Howard McRae

BE IT RESOLVED that the Council of the Corporation of the Township of Beckwith request the Provincial Government to discontinue the sales tax applied to equipment or supplies directly used in fire protection and control and (auto) extrication. Copies of this resolution to be forwarded to Premier Peterson, Honourable R. Rae, Leader N.D.P., Honourable L. Grossman, Leader P.C., Mr. D. Wiseman, M.P.P., and all other Ontario Municipalities for their support.

CARRIED.

July 20th, 1987
(Signed) John Sheil
Reeve

Council hopes that you will support this resolution.

Sincerely yours,

Yvonne L. Robert

Yvonne L. Robert
Clerk

4 (a)

F O R A C T I O N

Ms. Cheryl A. Lowe
Commissioner, Human Resources Centre
FROM for City/Region

DATE 1987 August 19

TO Personnel Committee

Refer To File No. _____

Attention Of _____

Your File No. _____

SUBJECT

New Position
Administrative Assistant IV, Culture & Recreation

RECOMMENDATION

That the new position, Administrative Assistant IV, in Culture and Recreation, be slotted in the non-union pay range "Q".
(\$21,631.48 to \$25,498.20)

BACKGROUND

The job description was submitted to the City's job evaluation committee and rated on August 7, 1987. The resultant point rating placed it within the "Q" point ranges. The above recommendation is, therefore, based on that evaluation.

Cheryl A. Lowe

New Location
1. 1. 1. 1. 1.

THE CORPORATION OF THE CITY OF HAMILTON

JOB INFORMATION QUESTIONNAIRE

POSITION TITL

Name _____ Position Title _____ Administrative Assistant.
Department Culture & Recreation Location City Hall Date July 1987

* * * * *

This questionnaire provides information about your job, its responsibilities, duties, authority, relationships, physical demands and working conditions. The information collected will enable us to prepare job descriptions and will provide additional information for job evaluation and salary survey purposes.

This questionnaire is not related to job performance. Its sole purpose is to collect information about your job, not how well it is being performed.

INSTRUCTIONS

1. Before completing the questionnaire, read through it and consider each question. You may find it useful to think about it for a couple of days, since often people forget about responsibilities inherent in their jobs, but which are performed automatically.
2. Please print, type or write your answers clearly. You may use point form or narrative when answering questions. It is important to provide enough information for a full understanding of your job. Do not forget to complete the section on left side of this page.
3. When answering questions, try to provide one or two examples, where applicable.
4. After completing the questionnaire, review it to ensure you have answered all the questions completely.
5. If you require more space to answer any of the questions, please use additional sheets of paper, indicate the questions you are answering and enclose them with this completed questionnaire.
6. Review the completed questionnaire with your immediate supervisor to ensure you are both in agreement that it is an accurate and complete picture of your job. Both you and your supervisor should sign the last page.
7. Please return this completed questionnaire by: NOVEMBER 9

To: PERSONNEL DEPT.

DEPARTMENT/LOCATION

YOUR NAME

JOB DESCRIPTION SECTION

1. YOUR REPORTING RELATIONSHIP

A. Direct

Name and Title of (Name) J. Turner

B. Indirect (If Applicable)

List the names and titles of persons to whom you report in an indirect, functional or staff relationship.

<u>NAME</u>	<u>TITLE</u>
<u>A. Schimmel</u>	<u>Director of Culture & Recreation</u>
<u>D. Farguhar</u>	<u>Manager of Administrative Services</u>
<u>R. Sugden</u>	<u>Manager of Community & Special Servi</u>
<u>G. Kohler</u>	<u>Manager of Municipal Services</u>
<u>M. Soules</u>	<u>Manager of Heritage Services</u>

2. PURPOSE OF YOUR POSITION

Briefly state the reason that your position exists.

To provide secretarial/clerical services for Senior
Supervisory Staff.

3. POSITION SUMMARY OF REGULAR ACTIVITIES

Each job is responsible for carrying out certain major activities on a regular basis. These regular activities can generally be categorized into 4 to 8 general responsibilities. These responsibilities are generally action oriented, and can be described by an action verb, e.g., direct, type, supervise, plan, file).

In the following spaces, describe, by a phrase, starting with an action verb, the major activities you undertake. Estimate to the nearest 5% the percentage of time, during a normal year, you would spend on each.

	<u>ACTIVITY</u>	<u>% OF TIME</u>
I.	<u>Typing/Word Processor</u>	<u>50%</u>
II.	<u>Provide various secretarial services for Senior Supervisory Staff, on occasion Director</u>	<u>20%</u>
III.	<u>Receive, record and distribute mail</u>	<u>10%</u>

	<u>ACTIVITY</u>	<u>% OF TIME</u>
IV.	File and maintain office files	10%
V.		
VII.		
VIII.		

Each job generally requires that certain activities be carried out on a periodic basis (i.e., occurring annually or at specific times during the year) estimate the percentage of time during the year that you spend on these periodic activities

PERIODIC ACTIVITIES

IX.		
-----	--	--

100%

4. DESCRIPTIONS OF ACTIVITIES

In the spaces provided, describe each of the regular activities previously listed. When possible, use examples that show the scope of each activity.

I.

Typing/Word Processing

Includes typing of letters and reports of a general nature for six Senior Staff and Director.

II.

Provide various Secretarial Services for Senior Staff.

services.

III.

Receive, record and distribute mail.

Includes sorting incoming mail, recording and distribution to appropriate staff.

Includes preparation and recording of outgoing mail.

IV.

Filing and Maintenance of files.

Includes filing in general office files.

Includes maintaining old and new files and assisting with preparation of new files.

V.

Telephone and Counter Service

Includes answering of general office inquiries by

VI.

VII.

VIII.

IX. PERIODIC ACTIVITIES

Briefly list the periodic activities for which you are responsible and estimate the approximate number of days, weeks or months, spent on each.

<u>ACTIVITY</u>	<u>TIME SPENT</u>
Assisting with re-organization of office files	approximately one month
Attend staff meetings	Bi-monthly
Attend training courses	occasionally

JOB EVALUATION SECTION

5. EDUCATION AND PREVIOUS TRAINING REQUIRED

...to perform the duties of your job (not necessarily your education and training).

Secondary School - Grade 12

Experience - two years

- B. Do the responsibilities of your job require an incumbent to have a license or professional or occupational certification (e.g., R.N., P.Eng., Class of Driver's Licence)? ☐ ☐

☐ Yes ☒ No

If yes, is it: Mandatory ☐ or Preferred ☐
State the license or certification required:

State the license or certification required:

6. EXPERIENCE

Indicate what you consider to be the normal time required for a person, with the education and training previously stated, to gain the experience required to carry out the requirements of your job in a satisfactory manner.

[illegible]

7. COMPLEXITY OF WORK PROCEDURES AND SUPERVISION RECEIVED

- A. Describe any standards and/or procedures that are established to guide you and assist you in performing your job.

Word Processing System.

Performance Appraisals and Interviews.

- B. Describe duties and responsibilities that you consider to be non-routine and of particular challenge.

Dealing with inquiries from public and staff persons.

Time management - dealing with priorities.

- C. Describe the types of analysis of data, information and problems involved in your job.

Setting priorities - meeting deadlines - sometimes

difficult due to complexity of operations

- D. Describe the type of problems you refer to your supervisor.

Policy decisions.

Work load - during peak periods and in order to meet deadlines,

it is sometimes necessary to approach Office Manager to

request assistance.

Personnel problems.

8. SUPERVISORY AND ADVISORY RESPONSIBILITIES

- A. List the names and titles of persons who report to you directly.
(If Applicable)

Total number of employees supervised directly

11

- B. If you supervise positions that also have supervisory responsibilities, what is the total number of employees for which you are directly and indirectly accountable? (Include the total from part 8.A.)

- C. Do you train new or other employees how to perform their jobs?

☐ Yes ☐ No

If "Yes", how often do you do this? Sometimes as required

- D. Do you act as a lead, or senior employee? ☐ Yes ☒ No

If "Yes", how many are in your group? _____

If you provide functional advice, comment below on what type of advice you provide and to whom this advice is provided. Also comment on the impact this advice would have on a work unit, department, or the organization as a whole.

9. BUDGET RESPONSIBILITIES

- A. Do you have any responsibilities for preparing, monitoring, or influencing the budget of your department or organization?

Direct? ☐ or Indirect? ☒

- B. If applicable, describe and comment on your responsibilities for budget preparation, monitoring or influencing

10. POSITION IMPACTA. TYPES OF ERRORS

In the sections of this questionnaire relating to regular and periodic activities (or in your job description), activities, duties and responsibilities of your job are described. When carrying out these responsibilities, there is always a possibility to make an error. In this section, outline: the type of error that could be made from a single action or decision and the probable consequence of that error to the department or organization. (Consider: loss of time, monetary loss, damage to equipment, embarrassment, loss of goodwill, etc)

Public Relations - incorrect information given - poor
public image, loss of goodwill

B. ACTIVITIES TO CORRECT ERRORS

Describe what other people in the department or organization would be required to do to correct any errors made by your position.

C. RESPONSIBILITY FOR THE SAFETY OF OTHERS

Are you responsible for the physical safety of: No

Other employees



General public



If so, please explain both your responsibilities for safety and the effect or type of injury that would occur, if this responsibility was not carried out properly.

[illegible]

11. CONTACTS

Please describe with whom you have to communicate regularly in order to perform your job, either within or outside the department or organization in which you work.

organizations, companies, governments and the public at large.

Type of Contact/Frequency

Senior staff - secretarial services - daily

Various staff - provide information - occasionally

Other Departments - take messages, provide information -

occasionally.

General Public - provide information - frequently.

12. MACHINES AND EQUIPMENT OPERATED

As part of your job, you may be required to operate various office machines and/or other equipment. Please indicate what machines and equipment you operate and how often you operate this equipment.

Type of Equipment/Frequency of Use

Word Processor - daily

Typewriter - daily

Adding machine - occasionally

Photocopier - occasionally

Kroy Lettering Machine - occasionally

13. CONFIDENTIALITY

Confidentiality considers the integrity and discretion necessary to safeguard confidential data handled or obtained in the normal performance

If any of these categories is applicable, please comment in the space below.

If applicable, describe the impact of disclosure of confidential information in the space below.

☐

Regular work involves little or no contact with confidential data or information.

☒

Occasional contact (i.e., monthly) with some confidential information where disclosure may have a moderately adverse internal and/or external effect.

OR:

☐

Regular contact (i.e., daily) with substantial confidential information where disclosure would have an embarrassing, but not necessarily harmful, effect, either internally or externally.

☐

Regular work with confidential data. Disclosure would have a harmful effect on the organization.

IMPACT/COMMENT:

Typing of some confidential data, occasionally.

Disclosure would have an embarrassing and sometimes

harmful effect on Department.

14. PHYSICAL REQUIREMENTS

Describe under each of the following headings, what is required and the

_____ (LIFTING, CARRYING, PUSHING, PULLING, ETC.) _____ NO _____

CONSTANT SITTING OR STANDING IN ONE POSITION (WITHOUT CHOICE) sitting
at Word Processor

CONSTANT, REPETITIVE MOVEMENTS (E.G. TYPING, DATA ENTRY, ASSEMBLY TYPE ACTIVITIES)

HEAVY VISUAL CONCENTRATION _____

WALKING, CLIMBING, CONSTANT MOVEMENT (OUTSIDE) _____

Frequent walking

15. WORKING CONDITIONSA. NORMAL WORK AREA

Consider where you work and the conditions surrounding the immediate vicinity of your work location. Consider such disagreeable factors as noise, dirt, heat, cold, exposure to the outside, fumes and chance of physical harm. Also, consider the frequency of these occurrences and describe your working conditions.

Normal working conditions for business office.

B. OCCASIONAL WORK AREA(S)

At times you may be required to work in places other than your normal work area. If this is the case, describe the working conditions, considering

NIL

C. TRAVEL

Do you travel as part of your job? If so, describe mode of travel, to where, and how frequently travel is required.

NIL

16. ADDITIONAL INFORMATION

- A. If you have a current, accurate job description, please attach to this questionnaire.
- B. If you have a current, accurate organization chart that shows your position and reporting relationships, please attach to this questionnaire.

17. SIGNATURES

Your Signature

Date

Supervisor's Signature

Date

4 (b)

F O R A C T I O N

Ms. Cheryl A. Lowe
Commissioner, Human Resources Centre
for the City/Region

FROM _____ **DATE** 1987 August 19

TO Personnel Committee

Refer To File No. _____

Attention Of _____

Your File No. _____

SUBJECT

Reclassification of Foreman Positions; Horticultural Section of the Parks Department

RECOMMENDATION

That the three (3) existing Foreman III positions, formerly in Beautification, Forestry and Greenhouse be upgraded to Foreman II positions under the recently approved organization structure. The titles, employee names and salary ranges are as follows:

	<u>1st Year</u>	<u>2nd Year</u>	<u>3rd Year</u>
Foreman III	\$26,767.00	\$28,753.40	\$30,739.80
Foreman II	\$27,862.12	\$30,568.20	\$33,273.76

P. Booker(Beautification), C. Keenan(Forestry), S. Magdic(Greenhouse)

The effective date for the reclassification of these positions is recommended to be July 1, 1987.

BACKGROUND

On April 28, 1987, City Council approved the re-organization of the Horticultural Section of the Parks Division. The rational behind the changes was primarily to allow a greater seasonal flexibility in the work force. The idea was to shift resources from one area to another as seasonal workloads demanded these shifts.

A comparison of these proposed reclassified positions with other positions at the Foreman II level indicates they are indeed comparable in their overall level of responsibility. Based upon the organizational change and the comparison of other Foreman II positions the request is justified and is recommended to be accepted.

John A. Jones

PLEASE PRINT OR TYPE

POSITION DESCRIPTION FORM

DEPARTMENT PUBLIC WORKS

SECTION HORT. GREEN HOUSE

POSITION TITLE FOREMAN II - GREEN HOUSE

POSITION NO.

RECEIVED

JUL 06 1987

HUMAN RESOURCES CENTRE

Class Code	Occ. Code	Fed. Job Code	Sal. Spec. Code	Sal. Range Grade	Sal. Range Step

I. STATUS OF POSITION

No. Requested	No. Authorized	No. Budgeted	No. Filled	Coding	Budget Amount
Is this a request for a New Position?			Is this a request for a reclassification? <u>yes</u>		
1. Full Time, Permanent	<input checked="" type="checkbox"/>	Normal Work Location	Gage Park Green House		Union Coding
2. Full Time, Temporary	<input type="checkbox"/>	If position is split between different locations or activity functions indicate % of normal work week spent in each			
3. Part Time, Permanent	<input type="checkbox"/>				
4. Part Time, Temporary	<input type="checkbox"/>				
5. Other	<input type="checkbox"/>				
Normal Hours Per Week	40	Percentage of time worked in this position		%	

II PURPOSE OF POSITION (give short summary of why position is required)

- to facilitate efficient greenhouse operations on a daily basis
- supervise all employees and work being carried out ensuring that proper Horticultural and safety practices are maintained.

III EDUCATIONAL REQUIREMENTS

Completion of the following required

ELEMENTARY SCHOOL	Grade		
HIGH SCHOOL	Course	Major	Grade 12
COLLEGE	Course	Major	Year
UNIVERSITY	Degree	Major	Year

OTHER (describe) PREFERRED A.B.C.
A degree or diploma in Horticulture from a recognized school of Horticulture

IV CERTIFICATE, LICENCE, AND MEMBERSHIP REQUIREMENTS

CERTIFICATES REQUIRED		PROFESSIONAL LICENCES OR MEMBERSHIPS REQUIRED	
1.	possess a valid class 6 structural pesticide licence	1.	
2.	possess valid drivers licence	2.	
3.	St. John's First Aid Certificate	3.	
4.	C.P.R. Certificate	4.	
5.	Basic supervisory Skills Certificate	5.	

DRIVERS LICENCE	Not Required			
	Required	X	Class	G

V EXPERIENCE AND SKILL REQUIREMENTS

MAJOR SKILLS REQUIRED	MINOR RELATED SKILLS REQUIRED	NO. YRS. OF EXPERIENCE	PROFICIENCY LEVEL REQUIRED
1. Co-ordinate	A Man Power	3	high
	B Time Management	3	high
2. Leadership	A Motivation	3	high
	B Teaching	3	high
3. Communication	A Verbal	3	high
	B Written	3	high
4. Safety	A Competency	3	high
	B Under O.H.S.A.	3	high
5. Public Relations	A Personality	3	high
	B Attitude	3	high
6. Budgeting	A Preparation	2	good
	B Estimates	2	good
7.	A		
	B		
8.	A		
	B		
9.	A		
	B		
10.	A		
	B		

OVERALL JOB RELATED EXPERIENCE REQUIRED	3	WEEKS MONTHS YEARS
---	---	--------------------------

VI HEALTH REQUIREMENTS

LIST	Good physical and mental health required		
REASON FOR ABOVE	Necessary to carry on job activities		
PHYSICAL EXAMINATIONS REQUIRED ON THIS JOB			
1.	Not Required	2.	Required
3.	Annual	4.	Semi-Annual
5.	Bi-Annual	6.	Third Year
7.	Fifth Year	8.	Other (describe) upon request of Horticulturalist

VII LINE OF SUPERVISION

Reports Directly to General Foreman Beautification

Position Title

Reports Indirectly to City of Hamilton Horticulturalist

Position Title

Supervises Directly	No. of Employees	Position Titles
	6	Gardeners I
	4	Gardeners II
	up to 6	Labourers
	2	Students
Supervises Indirectly	No. of Employees	Position Titles

VIII DUTIES (List in order of importance) Be Brief

- assume responsibility in the absence of the general foreman
- assist in co-ordinating of man power on a daily basis
- ensure work is being done in a safe manner
- supervise - spraying of plants, seeding, fertilizing, transplanting, propagation procedures
- supervise - the preparation of the Chrysanthemum Show
- provide technical guidance to staff
- ensure that a safe and healthy working environment is maintained.
- maintain efficient work records and prepare reports on related matter
- perform other related duties as required
- complete knowledge of all boiler and heating operations in green house.

% of time
Spent

* All duties assigned are of equal importance

IX INDEPENDENCE OF ACTION

Written and verbal instructions from Beautification General Foreman and City Horticulturist

Daily written and verbal reports

X EQUIPMENT OR MOTORIZED VEHICLES USED

[illegible]

XI PHYSICAL AND ENVIRONMENTAL HAZARDS OF POSITION

LIST ALL POSSIBLE HAZARDS, INCLUDING BIOLOGICAL, CHEMICAL OR PHYSICAL AGENTS, THAT EMPLOYEE WILL ENCOUNTER WHILE PERFORMING THE DUTIES OF THIS POSITION

HAZARD		DEGREE OF EXPOSURE
1.	Stress	Medium
2.	Pesticides	Medium
3.	Equipment	Minimal
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Completed by

R. M. Kelly
Signature

Manager of Park
Position Title

J. G. Pavelko
Signature of Department Head or Designate

July 3/87
Date

PLEASE PRINT OR TYPE

POSITION DESCRIPTION FORM

DEPARTMENT PUBLIC WORKS

SECTION FORESTRY

POSITION TITLE FOREMAN II FORESTRY

POSITION NO.

RECEIVED

JUL 06 1987

HUMAN RESOURCES CENTRE

Class Code	Occ. Code	Fed. Job Code	Sal. Spec. Code	Sal. Range Grade	Sal. Range Step

I. STATUS OF POSITION

No. Requested	No. Authorized	No. Budgeted	No. Filled	Coding	Budget Amount
Is this a request for a New Position?			Is this a request for a reclassification? <u>yes</u>		
1. Full Time, Permanent	<input checked="" type="checkbox"/>	Normal Work Location	Gage Park		Union Coding
2. Full Time, Temporary		If position is split between different locations or activity functions indicate % of normal work week spent in each			
3. Part Time, Permanent					
4. Part Time, Temporary					
5. Other					
Normal Hours Per Week	40	Percentage of time worked in this position		%	

II PURPOSE OF POSITION (give short summary of why position is required)

- to assist the General Foreman of Forestry
- Supervise all employees and work being carried out, ensuring proper Horticultural and Safety practices are maintained

III EDUCATIONAL REQUIREMENTS

Completion of the following required

ELEMENTARY SCHOOL	Grade		
HIGH SCHOOL	Course	Major	Grade 12
COLLEGE	Course	Major	Year
UNIVERSITY	Degree	Major	Year
OTHER (describe) <u>PREFERRED J.S.L.</u> A degree or Diploma in Horticulture from a recognized school of Horticulture			

IV CERTIFICATE, LICENCE, AND MEMBERSHIP REQUIREMENTS

CERTIFICATES REQUIRED		PROFESSIONAL LICENCES OR MEMBERSHIPS REQUIRED			
1.	E.U.S.A. Line Clearing Certificate	1.	Landclass 1 and 3 Pesticide Lic.		
2.	Mobile Aerial Tower Service Certificate	2.			
3.	Basic Supervisory Skills Certificate	3.			
4.	Route Tracing of Buried Cables E.U.S.A.	4.			
5.	St. John's First Aid/ C.P.R. Certificate	5.			
DRIVERS LICENCE					
Not Required					
Required		X	Class	G	

V EXPERIENCE AND SKILL REQUIREMENTS

MAJOR SKILLS REQUIRED	MINOR RELATED SKILLS REQUIRED	NO. YRS. OF EXPERIENCE	PROFICIENCY LEVEL REQUIRED
1. Co-ordinate	A Man Power	3	high
	B Time Management	3	high
2. Leadership	A Motivation	3	high
	B Teaching	3	high
3. Communication	A verbal	3	high
	B Written	3	high
4. Safety	A Competency	3	high
	B Under OHSA	3	high
5. Public Relations	A Personality	3	high
	B Attitude	3	high
6. Mechanical	A		
	B General	3	high
7. Budgeting	A Preparation	2	good
	B estimates	2	good
8.	A		
	B		
9.	A		
	B		
10.	A		
	B		
OVERALL JOB RELATED EXPERIENCE REQUIRED		2	WEEKS MONTHS **YEARS

VI HEALTH REQUIREMENTS

LIST		Good Physical and Mental Health Required					
REASON FOR ABOVE		Necessary to carry on job activities					
PHYSICAL EXAMINATIONS REQUIRED ON THIS JOB							
1.	Not Required		2.	Required		3.	Annual
4.	Semi-Annual		5.	Bi-Annual		6.	Third Year
7.	Fifth Year		8.	Other (describe)			upon request of Horticulturist

VII LINE OF SUPERVISION

Reports Directly to General Foreman Forestry

Position Title

Reports Indirectly to City of Hamilton Horticulturist

Position Title

Supervises Directly	No. of Employees	Position Titles
	5	Leadhand
	10-20	Tree Climber
	3	Truck Driver
	1	Mechanic
	1	Yard Attendant
Supervises Indirectly	No. of Employees	Position Titles
	2	Seasonal Foreman

VIII DUTIES (List in order of importance) Be Brief

- assume responsibility in the absence of the General Foreman
- Assist in Co-ordinating of manpower and equipment on a daily basis
- ensure work is being done in a safe manner according to Government Regulations and accepted programs.
- supervise all aspects of tree maintenance and removal
- co-ordinate the actions and plans of the Forestry Section with other Horticultural Entities
- maintain efficient work records and prepare reports on related matter (i.e. time cards, absence status, reports W.C.B. reports)
- ability to operate and provide instructions on operation of all Forestry related equipment
- respond to inquiries from the public
- prepare estimates and programs for new work
- provide technical assistance to staff
- co-ordinate work related project with various utilities
- monitor, co-ordinate and update all Forestry programs

% of time
Spent

XI PHYSICAL AND ENVIRONMENTAL HAZARDS OF POSITION

LIST ALL POSSIBLE HAZARDS, INCLUDING BIOLOGICAL, CHEMICAL OR PHYSICAL AGENTS, THAT EMPLOYEE WILL ENCOUNTER WHILE PERFORMING THE DUTIES OF THIS POSITION

HAZARD		DEGREE OF EXPOSURE
1.	Stress	medium +
2.	Pesticides	medium
3.	Equipment	heavy
4.	Electrical Utilities	heavy +
5.	Climatic "Storm Damage"	medium
6.	Extended Hours	heavy
7.		
8.		
9.		
10.		

Completed by

R. Miller

Signature

Manager of Parks

Position Title

J. S. Pavelko

Signature of Department Head or Designate

July 3/87

Date

PLEASE PRINT OR TYPE

POSITION DESCRIPTION FORM

DEPARTMENT PUBLIC WORKS

SECTION PARKS HORTICULTURE

POSITION TITLE FOREMAN II BEAUTIFICATION

POSITION NO.

RECEIVED

JUL 06 1987

Class Code	Occ. Code	Fed. Job Code	Sal. Spec. Code	Sal. Range Grade	Sal. Range Step

HUMAN RESOURCES CENTRE

I. STATUS OF POSITION

No. Requested	No. Authorized	No. Budgeted	No. Filled	Coding	Budget Amount
Is this a request for a New Position?			Is this a request for a reclassification? <u>yes</u>		
1. Full Time, Permanent	<input checked="" type="checkbox"/>	Normal Work Location	Gage Park Beautification		Union Coding
2. Full Time, Temporary	<input type="checkbox"/>	If position is split between different locations or activity functions indicate % of normal work week spent in each			
3. Part Time, Permanent	<input type="checkbox"/>				
4. Part Time, Temporary	<input type="checkbox"/>				
5. Other	<input type="checkbox"/>				
Normal Hours Per Week	40	Percentage of time worked in this position		%	

II PURPOSE OF POSITION (give short summary of why position is required)

- to assist the General Foreman of Beautification
- to supervise all employees and work being carried out, ensuring proper horticultural and safety practices are maintained

III EDUCATIONAL REQUIREMENTS

Completion of the following required

ELEMENTARY SCHOOL	Grade		
HIGH SCHOOL	Course	Major	Grade 12
COLLEGE	Course	Major	Year
UNIVERSITY	Degree	Major	Year
OTHER (describe) <u>PREFERRED J.S.C.</u> A degree or diploma in Horticulture from a recognized school of Horticulture			

IV CERTIFICATE, LICENCE, AND MEMBERSHIP REQUIREMENTS

CERTIFICATES REQUIRED		PROFESSIONAL LICENCES OR MEMBERSHIPS REQUIRED	
1.	E.U.S.A. Line Clearing Certificate	1.	Landclass 1 and 3 pesticide licence
2.	St. John's Forst Aid Certificate	2.	
3.	C.P.R. Certificate	3.	
4.	Route Tracing or Buried Cables E.U.S.A.	4.	
5.	Basic supervisory skills certificate	5.	

DRIVERS LICENCE	Not Required			
	Required	X	Class	G

V EXPERIENCE AND SKILL REQUIREMENTS

MAJOR SKILLS REQUIRED	MINOR RELATED SKILLS REQUIRED	NO. YRS. OF EXPERIENCE	PROFICIENCY LEVEL REQUIRED
1. Co-ordinate	A Manpower	3	high
	B Time Management	3	high
2. Leadership	A Motivation	3	high
	B Teaching	3	high
3. Communication	A Verbal	3	high
	B Written	3	high
4. Safety	A Competency	3	high
	B Under O.H.S.A.	3	high
5. Public Relations	A Personality	3	high
	B Attitude	3	high
6. Budgeting	A Preparation	2	good
	B estimates	2	good
7.	A		
	B		
8.	A		
	B		
9.	A		
	B		
10.	A		
	B		

OVERALL JOB RELATED EXPERIENCE REQUIRED	3	WEEKS MONTHS *YEARS
---	---	---------------------------

VI HEALTH REQUIREMENTS

LIST	Excellent physical and mental health required	
REASON FOR ABOVE	Necessary to carry on job acitivities	
PHYSICAL EXAMINATIONS REQUIRED ON THIS JOB		
1. Not Required	2. Required	3. Annual
4. Semi-Annual	5. Bi-Annual	6. Third Year
7. Fifth Year	8. Other (describe)	Upon request of Horticulturist

VII LINE OF SUPERVISION

Reports Directly to General Foreman Beautification

Position Title

Reports Indirectly to City of Hamilton Horticulturist

Position Title

Supervises Directly	No. of Employees	Position Titles
	12	Gardener I
	6	Gardener II
	1	Carpenter
	1	Yard Attendant
	up to 20	Labourers
	12	Students (Seasonal)
Supervises Indirectly	No. of Employees	Position Titles

VIII DUTIES (List in order of importance) Be Brief

- assume responsibility in the absence of the General Foreman
- assist in co-ordinating of manpower and equipment on a daily basis
- ensure work is being done in a safe manner according to Government Regulations and accepted programs
- supervise all spraying, turf maintenance, planting of annuals, trees and shrubs landscaping etc.
- co-ordinate the actions and plans of the Beautification Section with the other Horticultural Entities
- maintain efficient work records and prepare reports on related matter (i.e. time cards, absence status, clothing worker's comp. vacation etc)
- ability to operate and teach all equipment related to the Department
- respond to inquiries from the public
- prepare estimates and programs for new work
- provide technical assistance to staff
- maintain efficient work records
- co-ordinate utility locates etc.

% of time
Spent

Describe guidance received? (Indicate where guidance originates.)

Written and Verbal instructions from General Foreman Beautification and Horticulturist

Describe how work is reviewed by supervisor?

Daily written reports and on-site consultation by General Foreman Beautification

[illegible]

XI PHYSICAL AND ENVIRONMENTAL HAZARDS OF POSITION

LIST ALL POSSIBLE HAZARDS, INCLUDING BIOLOGICAL, CHEMICAL OR PHYSICAL AGENTS, THAT EMPLOYEE WILL ENCOUNTER WHILE PERFORMING THE DUTIES OF THIS POSITION

HAZARD		DEGREE OF EXPOSURE
1.	Stress	medium +
2.	Pesticides	medium
3.	Equipment	minimal +
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Completed by

R. Nutter
Signature

Manager of Park
Position Title

J.S. Pavelko
Signature of Department Head or Designate

July 3/87
Date

MEMORANDUM • CITY OF HAMILTON

TO : Doreen Jones
Manager of Personnel Services
Human Resources

YOUR FILE:

FROM : J. G. Pavelka, Director
Public Works Department

OUR FILE : 87-1075

SUBJECT : Upgrading Foreman Positions

DATE : HUMAN RESOURCES CENTRE

*Per Natty
4629*
RECEIVED

JUL 06 1987

City Council on April 28th, 1987, approved the up-grading of (3) present Foreman 3 positions, to that of Foreman 2, in the Horticultural Section of the Parks Division.

These positions are: Foreman 2 Beautification
Foreman 2 Forestry
Foreman 2 Greenhouse (Florist)

We would appreciate if you could make arrangements for the present incumbents in the Foreman 3 position, to be placed in the new Foreman 2 positions.

They are: Mr. Peter Booker - Foreman 2 Beautification - *VACANT*
Mr. Chuck Keenan - Foreman 2 Forestry
Mr. S. Magdic - Foreman 2 Greenhouse

Attached, please find the new position description forms as prepared by the parks Division.

J.G. Pavelka

*effective date July 1/1987
J.E.C.
as discussed
with Russ Natty
12/8/87*

JGP/RCN/pr

Attach.

MEMORANDUM • CITY OF HAMILTON

RECEIVED

TO : Mr. J. Pavelka, Director
of Public Works

YOUR FILE: MAY 07 1987

FROM : Mr. J. J. Schatz, Secretary
Executive Committee

OUR FILE: HUMAN RESOURCES CENTRE

SUBJECT : Reorganization - Horticultural Section

1987 May 1

DATE :

Subjoined for your information and appropriate action is a copy of Section 7 of the Tenth Report of the Executive Committee which was adopted by City Council at its meeting held April 28, 1987.

I draw your particular attention to section (b) wherein the Personnel Committee is being requested to evaluate and establish the pay schedule for the newly created position of General Foreman and I am, with a copy of this memorandum to Mrs. D. Jones and the Secretary, Personnel Committee, requesting that this matter be placed before the Personnel Committee.



JJS/dg

c.c.: Mr. L. Sage, Chief Administrative Officer
Mrs. D. Jones, Manager of Personnel Services ✓
Mr. E. C. Matthews, City Treasurer
Mr. E. A. Simpson, Secretary, Personnel Committee

7. (a) That the proposed reorganization of the Horticultural Section of the Department of Public Works as set out in Appendix "B" appended hereto, which results in the following changes, be approved:

- i) The creation of a new General Foreman's position to act as Turf Manager.
- ii) The reclassification of the present Golf Course Superintendent's positions (2) from Foreman I to Foreman III.
- iii) The creation of three (3) additional Foreman II positions; two (2) in the Beautification Division and one (1) in the Forestry Division.

....2

* jls ltr sent

Victor
Please
it on
home

Section 7
Tenth Report
Executive Committee

- iv) The elimination of one (1) Labourer's position.
- v) A change in the title of the position of Arborist/Horticulturalist to Horticulturalist.
- (b) That the Personnel Committee be requested to evaluate and establish a pay schedule for the newly created position of General Foreman.
- (c) That all positions be posted and filled as soon as possible.

NOTE: The reorganization of this section of the Department of Public Works will:

- reduce the number of staff reporting to the Horticulturalist so that he can more effectively review and direct his major areas of concern—beautification, forestry and turf;
- consolidate the golf courses in one area to ensure some standardization with operations and to ensure that equipment is effectively and efficiently utilized;
- enable a foreman to stay on the golf course to supervise the normal operations;
- recognize the added responsibility for the management of turf in all City Parks, lawn bowling greens, baseball, soccer fields and football fields;
- recognize the seasonal fluctuation in workload between forestry and beautification and turf, and
- create more appropriate positions commensurate with the responsibilities and work being undertaken by the staff in this section and eliminate the present continuous need for overtime.

Implementation of the proposed reorganization will result in a cost of \$264,500 in annual salaries which is approximately \$20,000 less than salary costs before implementation. Ultimately, due to promotions within job classifications there will be a cost of \$292,500 in salaries which is approximately \$8,000 more than the salary costs before implementation.

Copies of a report dated April 13, 1987 from the Director of Public Works to the Executive Committee respecting this matter are available by contacting the Secretary, Executive Committee or the Director of Public Works.

4296.

Council Minutes April 28, 1987

7. (a) That the proposed reorganization of the Horticultural Section of the Department of Public Works as set out in Appendix "B" appended hereto, which results in the following changes, be approved:
- i) The creation of a new General Foreman's position to act as Turf Manager.
 - ii) The reclassification of the present Golf Course Superintendent's positions (2) from Foreman I to Foreman III.
 - iii) The creation of three (3) additional Foreman II positions; two (2) in the Beautification Division and one (1) in the Forestry Division.
 - iv) The elimination of one (1) Labourer's position.
 - v) A change in the title of the position of Arborist/Horticulturalist to Horticulturalist.
- (b) That the Personnel Committee be requested to evaluate and establish a pay schedule for the newly created position of General Foreman.
- (c) That all positions be posted and filled as soon as possible.

NOTE: The reorganization of this section of the Department of Public Works will:

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- enable a foreman to stay on the golf course to supervise the normal operations;
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- recognize the seasonal fluctuation in workload between forestry and beautification and turf, and
- create more appropriate positions commensurate with the responsibilities and work being undertaken by the staff in this section and eliminate the present continuous need for overtime.

copy to Tom, Anne

Council Minutes April 28, 1987

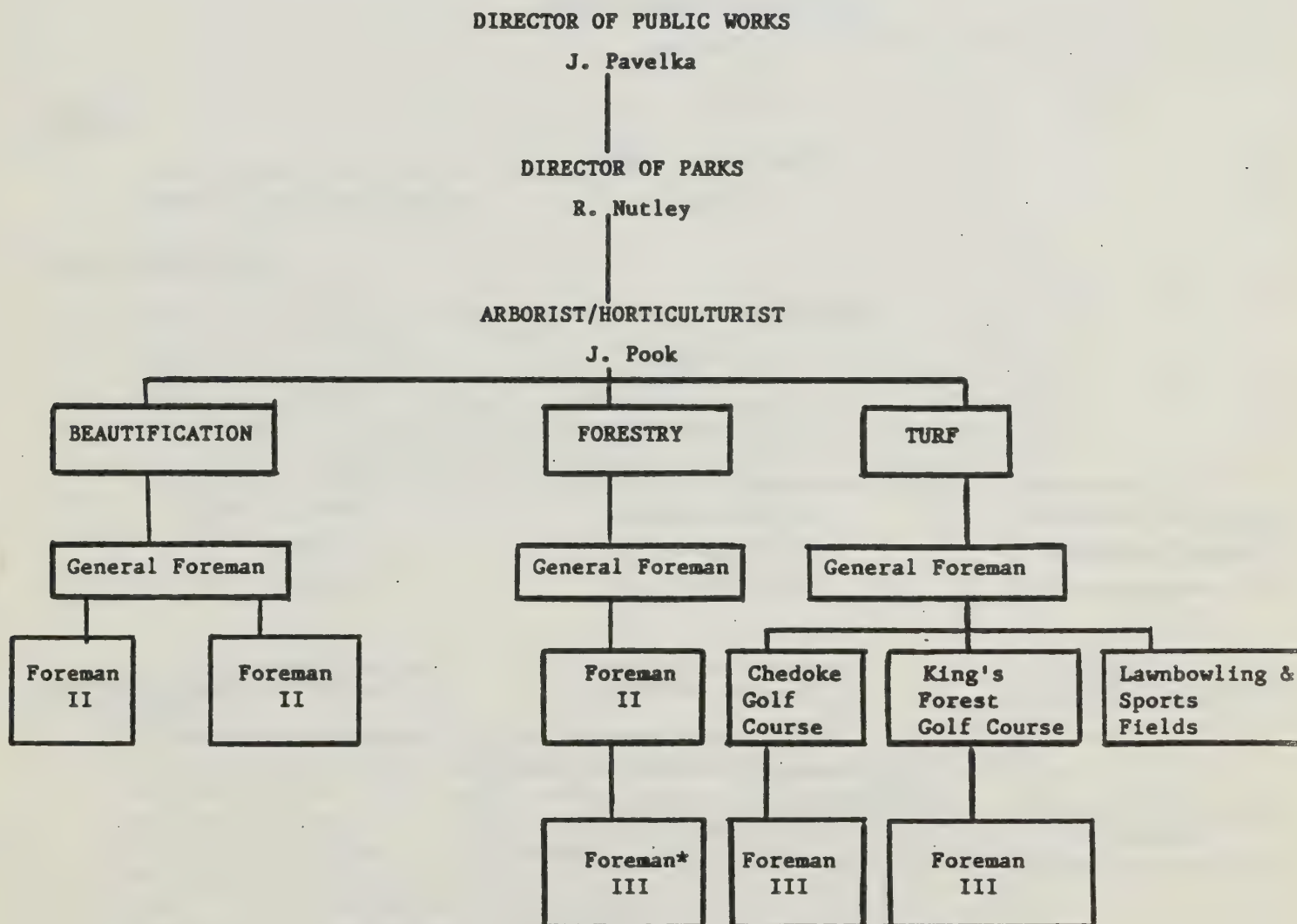
Implementation of the proposed reorganization will result in a cost of \$264,500 in annual salaries which is approximately \$20,000 less than salary costs before implementation. Ultimately, due to promotions within job classifications there will be a cost of \$292,500 in salaries which is approximately \$8,000 more than the salary costs before implementation.

Copies of a report dated April 13, 1987 from the Director of Public Works to the Executive Committee respecting this matter are available by contacting the Secretary, Executive Committee or the Director of Public Works.

Parks Division
Arborist/Horticultural Section

APPENDIX "B" AS REFERRED TO
IN SECTION 7 OF THE NINTH
REPORT OF THE EXECUTIVE COMMI

- Proposed Organization - Summer (April 1 to November 15)

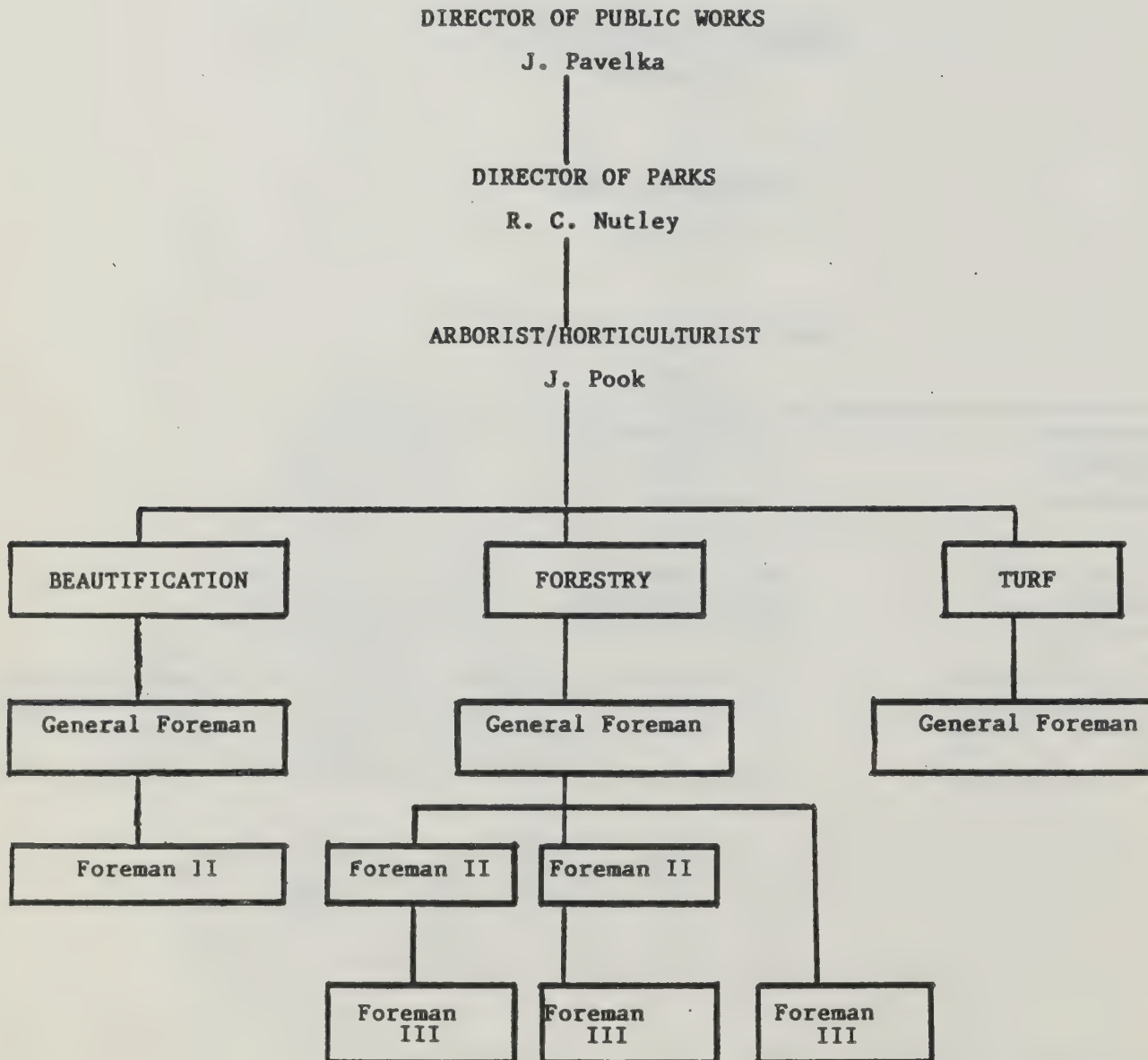


Total Labour Force of 109 Staff

* Forestry Foreman III Acts as a Float
Among - Beautification, Forestry and Turf as Required

Parks Division
Arborist/Horticulturist Section

- Proposed Organization - Winter (November 15 - April 1)



Total Labour Force of 109 Staff

4 (c)

F O R A C T I O N

Ms. Cheryl A. Lowe
Commissioner, Human Resources Centre
FROM for the City/Region

DATE 1987 June 19

TO Personnel Committee

Refer To File No. _____

Attention Of _____

Your File No. _____

SUBJECT

Head Cashier positions (Part Time)
Chedoke and Kings Forest

RECOMMENDATION

That the two head cashier positions receive an increase of \$1.25 per hour (from \$6.993/hr to \$8.043/hr) retroactive to January 1, 1987. This increase shall be an interim increase pending an organizational study and analysis of the golf club/ski operations at both Chedoke and Kings Forest. This study to be performed by the Human Resources Centre and its recommendations to be presented to Personnel Committee at a future date.

BACKGROUND

Interviews of both incumbents, an analysis of their responsibilities and a check of time cards indicate that both employees work the equivalent, over a 52 week period, of a full time position. An evaluation of their duties indicates their rate of pay is presently not equal to positions of comparable value. The interim increase recommended will bring the rate of pay within the range of comparable jobs. The organizational study analysis of the operations at both locations will deal with a final solution. The estimated cost of this recommendation of 1987 is \$5,300.00.

James

MEMORANDUM • CITY OF HAMILTON

RECEIVED

JUL 9 1986

TO : Mrs. D. Jones,
Manager, Human Resources

FROM : Miss A. Schimmel,
Director of Culture & Recreation

SUBJECT : Request for Re-Classification

YOUR FILE :

OUR FILE :

DATE : 1986, July 07

PERSONNEL DEPT.

In view of the July 3rd, 1986 memorandum from Mr. L. Sage, I am enclosing a request for re-classification submitted by Cathy Richardson, Cashier at Chedoke Golf Course.

I have no further comments, other than to say a new Position Description Form has now been forwarded back through the Pro-Manager for completion in concert with the Head Cashier.

It should be understood that this particular employee works, at times, directly for the City and at other times, directly for the Pro-Manager.

AS:jt

POSITION DESCRIPTION FORM

五

JUL 9 1958

SECTION

PERSONNEL DEPT.

Alan, 30 June 19

A black and white photograph of a horizontal strip of film. The film is dark, and several vertical sprocket holes are visible along its length. The film is positioned against a light background.

I. STATUS OF POSITION

II PURPOSE OF POSITION (give short summary of why position is required)

SELLING BLUE AND SKI MEMBERSHIPS + GREEN FLEECE TIE TIE
WEEK AND MONTH ENDING STATEMENTS FILLING OUT TIME
SHEETS TYPING OF MEMBERSHIP LIST ETC

III EDUCATIONAL REQUIREMENTS

Completion of the following required

OTHER (describe)

IV CERTIFICATE, LICENCE, AND MEMBERSHIP REQUIREMENTS

CERTIFICATES REQUIRED		PROFESSIONAL LICENCES OR MEMBERSHIPS REQUIRED	
1.		1.	
2.		2.	
3.		3.	
4.		4.	
5.		5.	

DRIVERS LICENCE	Not Required			
	Required		Class	

V EXPERIENCE AND SKILL REQUIREMENTS

MAJOR SKILLS REQUIRED	MINOR RELATED SKILLS REQUIRED	NO. YRS. OF EXPERIENCE	PROFICIENCY LEVEL REQUIRED
1.	A		
	B		
2.	A		
	B		
3.	A		
	B		
4.	A		
	B		
5.	A		
	B		
6.	A		
	B		
7.	A		
	B		
8.	A		
	B		
9.	A		
	B		
10.	A		
	B		

OVERALL JOB RELATED EXPERIENCE REQUIRED	X	WEEKS MONTHS YEARS
---	---	--------------------------

VI HEALTH REQUIREMENTS

LIST							
REASON FOR ABOVE							
PHYSICAL EXAMINATIONS REQUIRED ON THIS JOB							
1.	Not Required		2.	Required		3.	Annual
4.	Semi-Annual		5.	Bi-Annual		6.	Third Year
7.	Fifth Year		8.	Other (describe)			

VII LINE OF SUPERVISION

Reports Directly to

R. J. GORDON JR. MANAGER

Position Title

Reports Indirectly to

Position Title

Supervises Directly	No. of Employees	Position Titles
Supervises Indirectly	No. of Employees	Position Titles
	3	CASHIERS

VIII DUTIES (List in order of importance) Be Brief

SELLING MEMBERSHIPS (GOLF & SKI)
 " TOW TICKETS
 " GREEN FEES

RUNNING INVENTORY AND ORDERING THE ARBLUE
 BOX OFFICE DAILY
 WEEK ENDING, MONTH ENDING
 CONTROL TIME SHEETS

BANK DEPOSITS

TYPING MEMBERSHIP LISTS

FILING

% of time
Spent

VIII DUTIES (continued)

Which of the listed duties are the most difficult or the most complex? (Explain why.) (List in order of complexity.)

IX INDEPENDENCE OF ACTION

Describe guidance received? (Indicate where guidance originates.)

Describe how work is reviewed by supervisor?

X EQUIPMENT OR MOTORIZED VEHICLES USED

[illegible]

XI PHYSICAL AND ENVIRONMENTAL HAZARDS OF POSITION

LIST ALL POSSIBLE HAZARDS, INCLUDING BIOLOGICAL, CHEMICAL OR PHYSICAL AGENTS, THAT EMPLOYEE WILL ENCOUNTER WHILE PERFORMING THE DUTIES OF THIS POSITION

HAZARD	DEGREE OF EXPOSURE
1. <i>2000-2001 TIL REYES</i>	
2. <i>THE HAZARD BURN - FLAME BITE</i>	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

Completed by

Leon F. Richardson
Signature

Head Analyst
Position Title

Signature of Department Head or Designate

June 23 1996
Date

PLEASE PRINT OR TYPE

POSITION DESCRIPTION FORM

DEPARTMENT CULTURE & RECREATION SECTION GOLF & SKI

POSITION TITLE HEAD CASHIER

POSITION NO. 1 1 1 1 1 1 1 1 1 1

Class Code <u>1 1 1 1</u>	Occ. Code <u>1 1 1 1</u>	Fed. Job Code <u>1 1 1 1</u>	Sal. Spec. Code <u>1 1 1 1</u>	Sal. Range Grade <u>1 1 1 1</u>	Sal. Range Step <u>1 1 1 1</u>
------------------------------	-----------------------------	---------------------------------	-----------------------------------	------------------------------------	-----------------------------------

I. STATUS OF POSITION

No. Requested	No. Authorized <u>2</u>	No. Budgeted <u>2</u>	No. Filled <u>2</u>	Coding	Base Salary <u>\$12,000</u>
Is this a request for a New Position? <u>No</u>		Is this a request for a reclassification? <u>No</u>			
1. Full Time, Permanent		Normal Work Location	<u>Chedoke/King's Forest</u>		
2. Full Time, Temporary		If position is split between different locations or activity functions, indicate % of normal work week spent in each			
3. Part Time, Permanent					
4. Part Time, Temporary	<u>X</u>	<u>SEASONAL WORK ONLY - DURING GOLF - SKI SEASONS</u>			
5. Other					
Normal Hours Per Week	<u>40</u>	Percentage of time worked in this position <u>100</u> %			

II PURPOSE OF POSITION (give short summary of why position is required)

To sell and oversee the sale of memberships for golf and ski programs.

To sell and oversee the sale of green fee tickets and tow tickets.

To complete box office statements bank deposits and other administration.

III EDUCATIONAL REQUIREMENTS

Completion of the following required

ELEMENTARY SCHOOL	Grade		
HIGH SCHOOL	Course <u>Bookkeeping</u>	Major	Grade
COLLEGE	Course	Major	Year
UNIVERSITY	Degree	Major	Year

IV CERTIFICATE, LICENCE, AND MEMBERSHIP REQUIREMENTS

CERTIFICATE REQUIRED		PROFESSIONAL LICENCE OR MEMBERSHIP	
1		1	
2		2	
3		3	
4		4	
5		5	

DRIVERS LICENSE	Not Required		
	Required	Class	

V EXPERIENCE AND SKILL REQUIREMENTS

MAJOR SKILLS REQUIRED	MINOR RELATED SKILLS REQUIRED	NO. YRS. OF EXPERIENCE	GRADE LEVEL
1 Bookkeeping	A Accounting		Very Good
	B Ledgers		Very Good
2 Typing	A Composition		Very Good
	B Spelling		Very Good
Cash Controls	A Handling Cash		Very Good
	B Balancing Sales		Very Good
3	A		
	B		
4	A		
	B		
5	A		
	B		
6	A		
	B		
7	A		
	B		
8	A		
	B		
9	A		
	B		
10	A		
	B		

OVERALL JOB RELATED EXPERIENCE REQUIRED		MONTHS	YEARS
---	--	--------	-------

VI HEALTH REQUIREMENTS

LIST

REASON FOR ABOVE

PHYSICAL EXAMINATIONS REQUIRED ON THIS JOB

1.	Not Required		2.	Required		3.	Annual
4.	Semi-Annual		5.	Bi-Annual		6.	Third Year

VII LINE OF SUPERVISION

Reports Directly to

PRO-MANAGER

Position Title

Reports Indirectly to

COMMUNITY SERVICES CO-ORDINATOR

Position Title

Supervises Directly

No. of Employees

Position Titles

Supervises Indirectly

No. of Employees

Position Titles

VIII DUTIES (List in order of importance) Be Brief

Sale of memberships

20%

Sale of Green Fees/Tow tickets

20%

Complete daily/weekly/yearly Statements and accounts

25%

Tabulate ~~games~~ fees (tournament prizes).

5%

Compile membership lists

5%

Staff hour listings, reporting

10%

Sale of locker space

5%

Compile Bank Deposits

5%

Perform related duties as assigned

5%

* Office supplies - *first and supplies - file - green tee tickets.** Equipment inventory - *tow tickets - memberships - for both Kings Forest + Andover.*
- new cards.

listings - accuracy and typing - *memberships.*

[illegible]

XI PHYSICAL AND ENVIRONMENTAL HAZARDS OF POSITION

LIST ALL POSSIBLE HAZARDS, INCLUDING BIOLOGICAL, CHEMICAL OR PHYSICAL AGENTS, THAT EMPLOYEE WOULD ENCOUNTER WHILE PERFORMING THE DUTIES OF THIS POSITION

HAZARD	DEGREE OF EXPOSURE
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

Completed by



Signature

Supervisor -
Community Services

Position Title

August 1986

Date

Signature of Department Head or Designate



3967

CULTURE AND RECREATION DEPARTMENT

MEMORANDUM

DATE: JULY 29, 1987

RECEIVED

JUL 30 1987

TO: TOM CRITELLI, JOB EVALUATION OFFICER
HUMAN RESOURCES

FROM: MARILYNN HAVELKA
MANAGER HERITAGE SERVICES

HUMAN RESOURCES CENTRE

SUBJECT: JOB RECLASSIFICATIONS OF GENERAL ASSISTANTS POSITIONS - HISTORIC
SITES DIVISION - I.E. WHITEHERN, THE HAMILTON MILITARY MUSEUM,
THE CHILDREN'S MUSEUM

Further to our meeting last week, I have followed up with information that you had requested:

<u>Present Status</u>	<u>Present Hourly Rate</u>	<u>Average Bus. Wk.</u>	<u>Appropriation in 1987 Operating Budget</u>
Whitehern	5.256	15 - 18	\$ 4,900.00
The Hamilton Military Museum	6.069	20 - 25 (Summer)	16,780.00
		6 - 15 (Winter)	
The Children's Museum	6.069	28	21,320.00*
			*anticipated

Notes:

1. All three positions would supervise other staff, perform certain administrative function, discipline in absence of Curator and participate in performance appraisal and at times carrying out this function.
2. At present the position at Whitehern and Children's Museum are non-union. The Military Museum's position is vacant. As a result an exemption was made and permitted to schedule union staff to fill in museum duties until job re-classification is completed.
3. Whitehern has recently filled this position as a temporary appointment.
4. As a reminder and for consideration would it be possible to avoid posting for Children's Museum.
5. I will submit the other job descriptions that were discussed (Gift Shop Manager, Custodian, Cleaners) to determine for 1988 budget.
6. I have attached page 5, which was missing from Children's Museum job description.

Page 2

Is it reasonable to aim for mid-August personnel committee meeting.

Thanks for your attention and assistance in this matter.

Sincerely,

Marilyn

MH:hc

FOR ACTION

4(d)

Ms. Cheryl A. Lowe
Commissioner, Human Resources Centre
FROM for the City/Region

DATE 1987 August 19

TO Personnel Committee

Refer To File No. _____

Attention Of _____

Your File No. _____

SUBJECT

General Assistants Positions - Historic Sites Division
Museums - Revised hourly rate

RECOMMENDATION

That the three (3) General Assistant positions, one in each of the small museums in the Historic Sites Division, have their hourly rate revised to \$9.50/hour effective September 1, 1987.

BACKGROUND

These three (3) positions provide an assistant supervisory function in the museum operations, particularly in the absence of the Curator. An evaluation of the responsibilities of the position are comparable to another position in the department. The recommendation will bring the rate of pay of the General Assistants within the range of their comparable position. Annually, the rate should be adjusted as are all other non-union positions. An effective date of September 1, 1987, will permit these increases to be absorbed by present year salary budget surplus due to staff vacancies.

MEMORANDUM • CITY OF HAMILTON

RECEIVED

SEP 17 1986

TO : Doreen Jones
Deputy Director
Human Resources Centre

YOUR FILE :

PERSONNEL DEPT.

FROM : M. Anderson-Herrmann
for A. Schimmel
Culture & Recreation

OUR FILE :

SUBJECT : **JOB EVALUATION NEW POSITION
- Hamilton Military Museum**

DATE :

September 16, 1986

May we have your assistance in this matter? Sometime ago, you were good enough to meet with me to discuss four position descriptions for evaluation within the Historic Sites Division,

ie. 2 (former) "General Assistant" positions at the Children's Museum.

1 (former) "General Assistant" position at Whitehern

1 (new) position at Hamilton Military Museum

At the time we agreed that it would be preferable to review these in light of the more senior museum positions, also undergoing review.

In an effort to be fair and consistent these senior positions are still being reviewed within the Department. We anticipate that the new Supervisor of Heritage Services will wish to be very much involved in this process, once a Curator for Dundurn Castle has been found.

The problem is that this additional consideration may delay the filling of the position at the Hamilton Military Museum leaving it somewhat vulnerable for 1987 Budget inclusion.

Until this month, significant portions of this job have been filled contractually via provincial government funds. The former incumbent, Julie Flaczynski, returned to university this fall, leaving Curator, Brenda Brownlee, without assistance.

Can you suggest a solution or interim measure? Is it possible to attach an interim salary level, pending full review of these other positions?

Thank you for your help.

/do *Anderson*

cc: W. Anderson
M. Soules

POSITION DESCRIPTION FORM

SECTION

WHITEWERN

GRATEFUL OR MINIMUM ASSISTANT

POSITION NO.



Class Code	Occ. Code	Fed. Job Code	Sal. Spec. Code	Sal. Range Grade	Sal. Range Step

No. Requested 1	No. Authorized 1	No. Budgeted 1	No. Filled	Coding 0 0 0 0 0 0 0 0	Budget Amount
Is this a request for a New Position?			Is this a request for a reclassification? Yes		
1. Full Time, Permanent		Normal Work Location			Union Coding
2. Full Time, Temporary		If position is split between different locations or activity functions indicate % of normal work week spent in each			
3. Part Time, Permanent	X				
4. Part Time, Temporary					
5. Other					
Normal Hours Per Week	15 hours		Percentage of time worked in this position 100 %		

II PURPOSE OF POSITION (give short summary of why position is required)

To provide trained support for the Curator in the fields of Museum Interpretation, Collection Management and Museum Administration; to assist with the day to day operation of the Museum and to operate the Museum for limited periods in the absence of the Curator; to provide supervision to guiding, grant and volunteer staff as required.

III EDUCATIONAL REQUIREMENTS

Completion of the following required

ELEMENTARY SCHOOL	Grade 8		
HIGH SCHOOL	Course 13	Major	Grade
COLLEGE	Course	Community College Graduation	Year
UNIVERSITY	Degree	or equivalent university courses plus	Year
OTHER (describe) at least one year's previous experience working in a museum in the fields of interpretation and/or collections management; - typing an asset			

IV CERTIFICATE, LICENCE, AND MEMBERSHIP REQUIREMENTS

CERTIFICATES REQUIRED		PROFESSIONAL LICENCES OR MEMBERSHIPS REQUIRED	
1.	Membership in the Ontario Museum Assoc. an asset	1.	
2.	Have/be working on/or be willing to commence work on acquiring, the Ontario Museum Association Basic Certificate in Museum Studies.	2.	
3.	Driver's licence is preferred.	3.	
4.		4.	
5.		5.	
DRIVERS LICENCE		Not Required	
		Required	
		X	Class

V EXPERIENCE AND SKILL REQUIREMENTS

MAJOR SKILLS REQUIRED	MINOR RELATED SKILLS REQUIRED	NO. YRS. OF EXPERIENCE	PROFICIENCY LEVEL REQUIRED
1. English Language	A report writing	2	very good
	B write publicity announcements		very good
2. Communication	A interpret through oral, written & artifact medias - 2 yrs.		very good
	B		good
3. Planning & Development	A research	2	good
	B presentation	2	good
4. Exhibit Design	A use of colour & design	1	good
	B theme development	1	good
5. Collections	A work with a complex records system	1	good
6. Records	B use a 35mm camera	N/A	fair
7. Collection	A ability to care & handle artifacts	2	very good
8. Management	B advise others in handling of artifacts	1 yr.	very good
9. Office Skills	A typing & calculator use	2	good
	B office organization	1	good
10. Budgeting	A understand budget & finance	1	good
	B balance accounts & handle cash	1	very good
11. Supervision	A		good
	B good interpersonal relations	1	good
12. Security	A understanding of systems operations	1	good
	B security consciousness in other staff	N/A	very good
OVERALL JOB RELATED EXPERIENCE REQUIRED		1 year	WEEKS MONTHS YEARS

VI HEALTH REQUIREMENTS

LIST ability to lift and carry heavy objects, shovel snow and climb stairs, good oral & visual acuity

REASON FOR ABOVE - job related

PHYSICAL EXAMINATIONS REQUIRED ON THIS JOB

1.	Not Required	X	2.	Required		3.	Annual
4.	Semi-Annual		5.	Bi-Annual		6.	Third Year
7.	Fifth Year		8.	Other (describe)			

VII LINE OF SUPERVISION

Reports Directly to Curator, Whitehern

Position Title

Reports Indirectly to _____

Position Title

Supervises Directly	No. of Employees	Position Titles
	1 - 3	Historical Interpreters for special programs
Supervises Indirectly	No. of Employees	Position Titles
	Nil	

VIII DUTIES (List in order of importance) Be Brief

~~Please refer to details attached~~

		% of time Spent
Interpretation (Exhibition)	30%	
Interpretation (Programming)	30%	
Collections Management	10%	
*Security	5%	
Administration (Staffing and Operations)	10%	
Administration (Office)	10%	
Miscellaneous	5%	
(See Attached Sheet For Details)		

* In addition to the security mentioned in the detail attached, this position handles information on donations and donors which is strictly confidential. This requirement protects both the museum and the donor(s). Breach of this public trust could leave the museum liable.

VIII DUTIES (continued)

Which of the listed duties are the most difficult or the most complex? (Explain why.) (List in order of complexity.)

Collections Management - requires specialized knowledge: has a very high degree of responsibility as one is often dealing with rare and valuable artifacts,

Publicity and graphic presentation - developing a written and visual presentation (flyers, brochures, handouts) that represents the Museum accurately and appealingly.

Interpretation - requires dealing with all types of visitors with diverse needs; requires an ability to communicate through artifacts and the written word, ; requires an ability to develop a project through all stages from conception to implementation with an understanding of what is going on in terms of the artifacts, the museum staff and the public.

Security - this is difficult as it is ever-present factor of which the incumbent must be constantly aware. He/she must understand the nature of a variety of security/safety systems and be able to deal with various types of emergencies while exercising good judgement; could be called out for after hours security emergencies; is responsible in the absence of the Curator for an extremely valuable collection and an irreplaceable historic building.

Administration - keeping track of and being able to handle all the routine administrative tasks being able to handle and account for money

IX INDEPENDENCE OF ACTION

Describe guidance received? (Indicate where guidance originates.)

Guidance received - minimal guidance for routine duties. Much of the administrative and collections management work would not be supervised unless a problem developed.

- specific direction is given for individual projects which is reviewed at specific stages e.g. a programme design
- guidance originates from the Curator

Describe how work is reviewed by supervisor?

Review - daily contact with the employee in general. Specific review of routine work only if there is a problem.

- oral or written report of work-in-progress on specific projects

X EQUIPMENT OR MOTORIZED VEHICLES USED

Type	Proficiency Required	% of Time Used
Telephone	good	10%
Typewriter	good	10 - 20%
35mm. camera and accessories	good	3%
Power Tools	fair	less than 1%
Vacuum	fair	less than 1%
Slide Projector	good	3%
Calculator	good	3%
Audio Equipment	good	5%

XI PHYSICAL AND ENVIRONMENTAL HAZARDS OF POSITION

LIST ALL POSSIBLE HAZARDS, INCLUDING BIOLOGICAL, CHEMICAL OR PHYSICAL AGENTS, THAT EMPLOYEE WILL ENCOUNTER WHILE PERFORMING THE DUTIES OF THIS POSITION

HAZARD		DEGREE OF EXPOSURE
1.	paint, paint remover, cleaning agents, etc.	Occasional
2.	negotiating ladders	Occasional
3.	negotiating staircases while carrying objects	Frequent
4.	electrical equipment	Occasional to Frequent
5.	moving exhibit cases, mannequins, etc.	Occasional
6.	negotiating icy paths & cleaning same	Frequent, in season
7.	carrying heavy objects	Frequent
8.	sharp tools including utility knives, scissors, etc.	Frequent
9.	old artifacts which are dusty, dirty & possibly contain mold, mildew, insects, vertigris, etc.	Occasional
10.	artifacts with moving parts to catch fingers e.g. rifle	Frequent

- | | |
|--|----------|
| 11. most types of hand tools e.g. hammer, staple gun | Frequent |
| 12. very crowded office & workroom conditions | Constant |
| 13. uneven floors | Constant |

RESTRICTIONS - must be prepared to work weekend and occasional evenings
 - will not be able to take vacation time mid-June to Labour Day

Completed by

Signature

Position Title

Signature of Department Head or Designate

Date

Whitehern

Interpretation (Exhibition)

Under the functional direction of the Curator:

- plans, develops and implements minor exhibitions;
- revises sections of major exhibitions,
- researches, writes and prepares suitable interpretive material to accompany minor exhibitions (texts, graphics, hand-outs, staff notes).
- trains interpretive staff to be well-versed in the themes of minor exhibitions.

Under the direction of the Curator:

- assists with the implementation of major exhibitions and exhibition renovations;
- assists with the planning and development of major exhibitions;
- assists with the researching, writing and preparation of suitable interpretive material to accompany major exhibitions;
- provides photographic record of exhibits, as required;
- monitors and evaluates exhibitions, as directed.

Interpretation (Programming)

Under the functional direction of the Curator:

- plans, develops and implements interpretive services, for special programmes, events and seasonal functions.
- researches, writes and prepares suitable interpretive material to accompany interpretive services (activity sheets, hand-outs, teacher notes, staff notes).
- supervises three or more staff

Under the direction of the Curator:

- assists with the implementation of major interpretive services, such as tours, programmes, special events and seasonal functions.
- assists with the planning and development of major interpretive services;
- assists with the researching, writing and preparation of suitable interpretive material to accompany major interpretive services;
- monitors and evaluates programmes, as directed;
- works directly in interpretive programming in the absence of other available staff.

Collections Management

Under the functional direction of the Curator, and following standard museological practices:

- carries out artifact inventory as required;
- prepares routine collections management records including forms, collection files, worksheets and accession cards,
- maintains registers and reference card systems;
- applies artifact numbers;
- carries out routine preventative conservation measures, including: adjusting environmental controls, keeping storage areas clean,

- arranging for pest control;
- examines artifacts regularly, both on display and in storage, and makes recommendations to the Curator with regard to conservation;

Under the direction of the Curator:

- cleans, packs, stores, and transports artifacts;
- may carry out minor inhouse conservation of artifacts;
- carries out research in connection with the acquisition and accessioning of artifacts, and in response to enquiries concerning artifacts;
- photographs artifacts as required;
- as directed by the curator, may be required to collect and/or return artifacts.

Security

- Has 24-hour access to the building, and is on call for after hours emergencies;
- is responsible for setting and removing alarms as required following set procedures and carries full set of keys to the building;
- provides passive security at all times when in the public areas of the museum,
- Takes immediate corrective action with staff and the public with regard to safety and/or security and reports such actions and situations to the Curator;
- must be aware of how sprinkler, extinguisher, security, emergency lights and other emergency/safety systems function;
- must be prepared to carry out routine checks of security/ safety systems.
- In the absence of the Curator must be prepared to carry out emergency procedures.

Administration (Staffing and Operations)

- co - ordinate work schedules for museum staff and volunteers for special programmes, events and seasonal programmes. Also, co - ordinate work schedules of grant staff.
- participates in the annual budget and grant application preparations;
- under the functional supervision of the curator, may be requested to administer sections of the final annual operating budget and/ or grants,
- is responsible for the day to day operation of the museum when the curator is absent; may represent the curator and/or the museum on other other specific occasions;
- provides direct supervision to any museum staff, grant staff and volunteers assigned, either temporarily or permanently, and provides direct supervision to all interpretive museum staff, grant staff and volunteers in the absence of the the curator.

Administration (Office)

- Under the direction of the curator, prepares publicity flyers, press releases etc. with regard to interpretive services, programmes, exhibitions and special events; arranges for the distribution of such materials;
- as directed by the Curator, prepares time sheets, time cards and daily absence reports;
- handles routine paper work such as petty cash forms, weekly statistics, weekly admissions, filing. Bank deposits.
- As directed by the Curator, answers letters, handles programming bookings, checks and orders supplies, etc.

Miscellaneous

- Must be prepared to drive city owned vehicles
- Must be prepared to take training relevant to duties being performed as directed by the Curator.
- Must independently maintain a good understanding of museum function practices.
- May be required to perform other related duties as assigned.

XI PHYSICAL AND ENVIRONMENTAL HAZARDS OF POSITION

LIST ALL POSSIBLE HAZARDS, INCLUDING BIOLOGICAL, CHEMICAL OR PHYSICAL AGENTS, THAT EMPLOYEE WILL ENCOUNTER WHILE PERFORMING THE DUTIES OF THIS POSITION

HAZARD	DEGREE OF EXPOSURE
1. <i>Heavy Lifting</i>	<i>kit, displays</i>
2. <i>Glue Paint</i>	<i>developing new displays, games, repairing old etc.</i>
3. <i>Stairs, ladders</i>	<i>work varies on 3 levels and in storage or</i>
4.	<i>exhibit spaces.</i>
5.	
6.	
7.	
8.	
9.	
10.	

Completed by

Signature

Position Title

Signature of Department Head or Designate

Date

POSITION DESCRIPTION FORM

SECTION Hamilton Military Museum

POSITION NO.

I. STATUS OF POSITION						
No. Requested	No. Authorized	No. Budgeted	No. Filled	Coding	Budget Amount:	
Is this a request for a New Position?		Yes		Is this a request for a reclassification?		No
1. Full Time, Permanent		X	Normal Work Location			Union Coding
2. Full Time, Temporary			If position is split between different locations or activity functions indicate % of normal work week spent in each			
3. Part Time, Permanent						
4. Part Time, Temporary						
5. Other						
Normal Hours Per Week		35 hours		Percentage of time worked in this position 100 %		

To provide trained support for the Curator in the fields of Museum Interpretation, Collections Management and Museum Administration; to assist with the day to day operation of the Museum and to operate the Museum for limited periods in the absence of the Curator; to provide supervision to guiding, grant and volunteer staff as required.

ELEMENTARY SCHOOL	Grade 8		
HIGH SCHOOL	Course 13	Major	Grade
COLLEGE	Course Community College Graduation or	Major	Year
UNIVERSITY	Degree University Course equivalent plus	Major	Year
at least one year's previous experience working in a museum in the fields of OTHER (describe) interpretation and/or collections management; - typing an asset			

IV CERTIFICATE, LICENCE, AND MEMBERSHIP REQUIREMENTS

CERTIFICATES REQUIRED		PROFESSIONAL LICENCES OR MEMBERSHIPS REQUIRED	
1.	Membership in the Ontario Museum Assoc. an asset	1.	
2.	Have/be working on/or be willing to commence work on acquiring, the Ontario Museum Association Basic Certificate in Museum Studies.	2.	
3.	Driver's licence is required	3.	
4.		4.	
5.		5.	
DRIVERS LICENCE		Not Required	
Required		X	Class

V EXPERIENCE AND SKILL REQUIREMENTS

MAJOR SKILLS REQUIRED	MINOR RELATED SKILLS REQUIRED	NO. YRS. OF EXPERIENCE	PROFICIENCY LEVEL REQUIRED
1. English Language	A report writing	2	very good
	B oral presentations	2	very good
2. Communication	A interpret through oral, written & artifact medias - 2 yrs. very		
	B teach basic interpretation skills N/A		good
3. Planning & Development	A research	2	good
	B presentation	2	good
4. Exhibit Design	A use of colour & design	1	good
	B theme development	1	good
5. Collections Records	A work with a complex records system 1		good
	B use a 35mm camera	N/A	fair
6. Collection Management	A ability to care & handle artifacts 2		very good
	B supervise others in handling of artifacts 1 yr. - very good		
7. Office Skills	A typing & calculator use	2	good
	B office organization	1	good
8. Budgeting	A understand budget & finance 1		good
	B balance accounts & handle cash 1		very good
9. Supervision	A ability to set & maintain schedules 1		good
	B good interpersonal relations 1		good
10. Security	A understanding of systems operations 1		good
	B security consciousness in other staff N/A		very good
OVERALL JOB RELATED EXPERIENCE REQUIRED		1 year	WEEKS MONTHS YEARS

VI HEALTH REQUIREMENTS

LIST ability to lift and carry heavy objects, shovel snow and climb stairs, good oral & visual acuity.

REASON FOR ABOVE - job related

PHYSICAL EXAMINATIONS REQUIRED ON THIS JOB

1.	Not Required	X	2.	Required		3.	Annual
4.	Semi-Annual		5.	Bi-Annual		6.	Third Year
7.	Fifth Year		8.	Other (describe)			

VII LINE OF SUPERVISION

Reports Directly to Curator, Hamilton Military Museum

Position Title

Reports Indirectly to _____
Position Title

Supervises Directly	No. of Employees	Position Titles
	1	guide(s)
		any grant or volunteer staff assigned directly to the assistant THIS INDIVIDUAL
Supervises Indirectly	No. of Employees	Position Titles
	Nil	

VIII DUTIES (List in order of importance) Be Brief

~~Please refer to details attached~~

	% of time Spent
Interpretation (Exhibition)	
Interpretation (Programming)	
Collections Management	
*Security	
Administration (Staffing and Operations)	
Administration (Office)	
Miscellaneous	
(See Attached Sheet For Details)	
* In addition to the security mentioned in the detail attached, this position handles information on donations and donors which is strictly confidential. This requirement protects both the museum and the donor(s). Breach of this public trust could leave the museum liable.	

VIII DUTIES (continued)

Which of the listed duties are the most difficult or the most complex? (Explain why.) (List in order of complexity.)

Collections Management - requires specialized knowledge: has a very high degree of responsibility as one is often dealing with rare and valuable artifacts, not all of which are owned by the City (one mistake could result in permanent loss or damage); is a multi-stage operation involving 6,000 items.

Interpretation - requires dealing with all types of visitors with diverse needs; requires an ability to communicate through artifacts and the written word, as well as orally; requires an ability to develop a project through all stages from conception to implementation with an understanding of what is going on in terms of the artifacts, the museum staff and the public.

Security - this is difficult as it is ever-present factor of which the incumbent must be constantly aware. He/she must understand the nature of a variety of security/safety systems and be able to deal with various types of emergencies while exercising good judgement; could be called out for after hours security emergencies; is responsible in the absence of the Curator for an extremely valuable collection and an irreplaceable historic building.

Administration - keeping track of and being able to handle all the routine administrative tasks being able to handle and account for money and budget line objects; supervising others.

IX INDEPENDENCE OF ACTION

Describe guidance received? (Indicate where guidance originates.)

Guidance received - minimal guidance for routine duties. Much of the administrative and collections management work would not be supervised unless a problem developed.

- is in charge of the facility at least two days per week
- specific direction is given for individual projects which is reviewed at specific stages e.g. a programme design
- guidance originates from the Curator

Describe how work is reviewed by supervisor?

Review - daily contact with the employee in general. Specific review of routine work only if there is a problem.

- oral or written report of work-in-progress on specific projects

X EQUIPMENT OR MOTORIZED VEHICLES USED

Type	Proficiency Required	% of Time Used
Telephone	good	10%
Typewriter	good	10 - 20%
35mm. camera and accessories	good	3%
Power Tools	fair	less than 1%
Vacuum	fair	less than 1%
Slide Projector	good	3%
Calculator	good	3%
Audio Equipment	good	5%

XI PHYSICAL AND ENVIRONMENTAL HAZARDS OF POSITION

LIST ALL POSSIBLE HAZARDS, INCLUDING BIOLOGICAL, CHEMICAL OR PHYSICAL AGENTS, THAT EMPLOYEE WILL ENCOUNTER WHILE PERFORMING THE DUTIES OF THIS POSITION

HAZARD		DEGREE OF EXPOSURE
1.	paint, paint remover, cleaning agents, etc.	Occasional
2.	negotiating ladders	Occasional
3.	negotiating staircases while carrying objects	Frequent
4.	electrical equipment	Occasional to Frequent
5.	moving exhibit cases, mannequins, etc.	Occasional
6.	negotiating icy paths & cleaning same	Frequent, in season
7.	carrying heavy objects	Frequent
8.	sharp tools including utility knives, scissors, etc.	Frequent
9.	old artifacts which are dusty, dirty & possibly contain mold, mildew, insects, vertigris, etc.	Occasional
10.	artifacts with moving parts to catch fingers e.g. rifle	Frequent

11. most types of hand tools e.g. hammer, staple gun Frequent
12. very crowded office & workroom conditions Constant
13. uneven floors Constant

RESTRICTIONS - must be prepared to work weekend and occasional evenings
- will not be able to take vacation time mid-June to Labour Day

Completed by

Signature

Position Title

Signature of Department Head or Designate

Date

Administration (Office)

- Under the direction of the Curator, prepares publicity flyers, press releases etc. with regard to interpretive services, programmes, exhibitions and special events; arranges for the distribution of such materials;
- As directed by the Curator, prepares time sheets, time cards and daily absence reports;
- Handles routine paperwork such as petty cash forms, collating daily statistics and box office statements, filing;
- As directed by the Curator, answers letters, handles programmes bookings, checks and orders supplies etc.;
- Ascertains that all cash from admissions and sales balance and reports any discrepancies; handles bank deposits and cash transfers.

Miscellaneous

- Must be prepared to drive City-owned vehicles;
- Must be prepared to undertake training relevant to the duties being performed as directed by the Curator and/or the Corporation of the City of Hamilton eg. first aid, safety, communications, staffing seminars;
- Must independently maintain a good understanding of current interpretive philosophy and technique, educational programming in the museum setting, general museological practices, as well as a sound general knowledge of Canadian history and artifacts as it applies to the specific museum by:
 - studying primary and secondary source material
 - studying professional journals and similar literature
 - attending seminars and conferences
 - keeping informed on current museological techniques for collection management and interpretation
 - being familiar with Corporation of the City of Hamilton policies, regulations, directives and procedures where applicable;
- May be required to perform other related duties from time to time, as directed by the Curator.

Interpretation (Exhibition)

- Under the functional direction of the Curator:
 - plans, develops and implements minor exhibitions; (e.g. doing a section one case)
 - researches, writes and prepares suitable interpretive material to accompany minor exhibitions (texts, graphics, hand-outs, staff notes etc.);
- Under the direction of the Curator:
 - assists with the implementation of major exhibitions and exhibition renovations;
 - may assist with the planning and development of major exhibitions;
 - assists with the researching, writing and preparation of suitable interpretive material to accompany major exhibitions;
- Provides photographic record of exhibits, as required;
- Monitors and evaluates exhibitions, as directed.

Interpretation (Programming)

- Under the functional direction of the Curator:
 - plans, develops and implements minor interpretive services, such as tours, programmes, special events and educational components;
 - researches, writes and prepares suitable interpretive material to accompany minor interpretive services (activity sheets, hand-outs, teacher notes, staff notes, instructions etc.);
- Under the direction of the Curator:
 - assists with the implementation of major interpretive services, such as tours, programmes, special events and educational components;
 - may assist with the planning and development of major interpretive services;
 - may assist with the researching, writing and preparation of suitable interpretive material to accompany major interpretive services;
- Monitors and evaluates programmes, as directed;
- Works directly in interpretive programming in the absence of other available staff.

Collections Management

- Under the functional direction of the Curator, and following standard museological practices:
 - carries out artifact inventory as required;
 - prepares routine collections management records including forms, collection files, worksheets and accession cards,
 - maintains registers and reference card systems;
 - applies artifact numbers;
 - carries out routine preventative conservation measures, including: adjusting environmental controls, keeping

- storage areas clean, arranging for pest control;
- examines artifacts regularly, both on display and in storage, and makes recommendations to the Curator with regard to conservation;
- Under the direction of the Curator:
 - cleans, packs, stores and transports artifacts;
 - may carry out minor in-house conservation of artifacts;
 - carries out research in connection with the acquisition and accessioning of artifacts, and in response to enquiries concerning artifacts;
- Photographs artifacts, as required;
- As directed by the Curator, may be required to collect and/or return artifacts.

Security

- Has 24-hour access to all buildings, including storage, and is on-call (number 3) for after hours emergencies;
- Is responsible for setting and removing alarms as required following set procedures and carries full set of keys to the main building;
- Provides passive security at all times when in the public areas of the museum, by keeping an eye on the visitors, by remaining alert and anticipating situations;
- Takes immediate corrective action with staff and the public with regard to safety and/or security and reports such actions and situations to the Curator;
- Must be aware of how sprinkler, extinguisher, security, emergency light and other security/safety systems function;
- Must be prepared to carry out routine checks of security/safety systems in the absence of the Maintenance Supervisor;
- In the absence of the Curator, must be prepared to carry out emergency procedures, such as evacuating the building, calling 911.

Administration (Staffing and Operations)

- Maintains overall responsibility for daily operational schedules by setting and co-ordinating work schedules of museum staff, grant staff and volunteers to ensure required building and programme coverage; as directed
- Participates in the annual budget and grant application preparations; as directed
- Under the functional supervision of the Curator, may be requested to administer sections of the final annual operating budget and/or grants;
- Is responsible for the day-to-day operation of the museum two days per week, and on other occasions when the Curator is absent; may represent the Curator and/or the museum on other specific occasions;
- Provides direct supervision to any museum staff, grant staff and volunteers assigned, either temporarily or permanently, and provides direct supervision to all interpretive museum staff, grant staff and volunteers in the absence of the Curator.

XI PHYSICAL AND ENVIRONMENTAL HAZARDS OF POSITION

LIST ALL POSSIBLE HAZARDS, INCLUDING BIOLOGICAL, CHEMICAL OR PHYSICAL AGENTS, THAT EMPLOYEE WILL ENCOUNTER WHILE PERFORMING THE DUTIES OF THIS POSITION

HAZARD	DEGREE OF EXPOSURE
1. <i>Heavy Lifting</i>	<i>kit, displays</i>
2. <i>Glue Paint</i>	<i>developing new displays, games, repairing old etc</i>
3. <i>Stairs, ladders</i>	<i>work varies on 3 levels and in storage or</i>
4.	<i>exhibit spaces.</i>
5.	
6.	
7.	
8.	
9.	
10.	

Completed by

Signature

Position Title

Signature of Department Head or Designate

Date

PLEASE PRINT OR TYPE

POSITION DESCRIPTION FORM

DEPARTMENT Culture and Recreation

SECTION The Children's Museum

POSITION TITLE _____

POSITION NO.

Class Code	Occ. Code	Fed. Job Code	Sal. Spec. Code	Sal. Range Grade	Sal. Range Step
------------	-----------	---------------	-----------------	------------------	-----------------

I. STATUS OF POSITION

No. Requested <u>1</u>	No. Authorized <u>1</u>	No. Budgeted	No. Filled	Coding	Budget Amount
Is this a request for a New Position? <u>no</u>		Is this a request for a reclassification? <u>yes</u>			
1. Full Time, Permanent		Normal Work Location	Union Coding		
2. Full Time, Temporary		If position is split between different locations or activity functions indicate % of normal work week spent in each			
3. Part Time, Permanent	<u>YES</u>				
4. Part Time, Temporary					
5. Other					
Normal Hours Per Week	<u>35</u>	Percentage of time worked in this position		<u>100 %</u>	

II PURPOSE OF POSITION (give short summary of why position is required)

To assist the Curator in the day-to-day administration of the Museum, (emergency work may be required) in the areas of artifact registration, general public relations, library services, general administration, kit loans and safety. To assist the Education Officer in the areas of Exhibit, preparation and interpretation.

III EDUCATIONAL REQUIREMENTS

Completion of the following required

ELEMENTARY SCHOOL	Grade <u>8</u>		
HIGH SCHOOL	Course <u>Grade 12</u>	Major	Grade
COLLEGE	<u>Community College Certificate or combination of Post</u>		<u>Secondary course</u>
	<u>plus 2-3 years relevant work experience.</u>		<u>Year</u>
UNIVERSITY	Degree <u>B.A. (an asset)</u>	Major	Year
OTHER (describe)	<u>Drivers Licence preferred (but not necessary)</u>		

IV CERTIFICATE, LICENCE, AND MEMBERSHIP REQUIREMENTS

CERTIFICATES REQUIRED		PROFESSIONAL LICENCES OR MEMBERSHIPS REQUIRED	
1.	Must be willing to work toward O.M.A. Cert. in Museum Management.	1.	
2.		2.	
3.	Cert. in Business or Administrative Mgmt preferred.	3.	
4.		4.	
5.		5.	

DRIVERS LICENCE	Not Required			
	Required	✓	Class	

V EXPERIENCE AND SKILL REQUIREMENTS

MAJOR SKILLS REQUIRED	MINOR RELATED SKILLS REQUIRED	NO. YRS. OF EXPERIENCE	PROFICIENCY LEVEL REQUIRED
1. Organizational & Administrative Skills	A Ability to prioritize work.	2	Excellent
	B Follow civic procedures.		
2. Cataloguing/Filing Skills	A Ability to work with catalogue file system.	2	Good
	B		
3. Effective Written & Oral Communication Skills	A Ability to write effective letters and deal with public etc.	2	Excellent
	B		
4. Interpersonal Skills	A Able to work as part of a team and give direction.	1	Good
	B		
5. Budgeting/Accounting Skills	A Understand budget process, balance accounts, handle cash.	1	Good
	B		
7. Self-Motivation	A Has initiative, works well on own.	2	Good
	B		* and computer
8. Typing Skills	A Electric Machine accuracy.	* 6 +	Average
	B High School Art Course or	1	
9. Artistic Skills	A Demonstrated Personal Interest in Art.		Varies depending on other skills.
	B Tact & Diplomacy Ability	1 +	
10. Previous work with Children.	A to work with volunteers & public.		Good
	B		
Audio Visual Equipment Skills	A Ability to operate Audio Visual Equipment.	Any experience	Good
	B		
* Overall work experience - 2 years		which has proven these skills.	

VI HEALTH REQUIREMENTS

LIST	Must be very good.		
REASON FOR ABOVE	To assure excellent attendance & ability to cope during very busy periods. Use of ladders and staircases.		
PHYSICAL EXAMINATIONS REQUIRED ON THIS JOB	Ability to carry heavy objects, climb stairs and ladders tolerate paint fumes periodically.		
1. Not Required	✓	2. Required	3. Annual
4. Semi-Annual		5. Bi-Annual	6. Third Year
7. Fifth Year		8. Other (describe)	

VII LINE OF SUPERVISION

Reports Directly to CURATOR

Position Title

Reports Indirectly to _____

Position Title

Supervises Directly	No. of Employees	Position Titles
	1 - 5 +	Volunteers/Co-Op Students/Grant Staff in related areas.
	1	Educational Interpreter
Supervises Indirectly	No. of Employees	Position Titles
		The Custodian, the cleaning staff and grant staff as appropriate.

VIII DUTIES (List in order of importance) Be Brief (See Detail attached)

- | | % of time Spent |
|---|-----------------|
| 1. <u>REGISTRATION</u> - 20% registers, catalogues, labels, all artifacts, completing relevant documents for donations, purchase, construction and loans (in-coming and out-going). Ensures safe packing, storing, transport, display, insurance and relevant conservation. | |
| 2. <u>EXHIBIT INTERPRETATION</u> - 25%. As part of a team concept, assists the Education Officer - approximately 1 day per week <u>on the exhibit floor</u> conducting programs designed by the Education Officer. | |
| 3. <u>Exhibit Preparation/Design</u> - ^{10%} Assists the Education Officer with the artistic design, graphics and construction of exhibits. | |
| 4. <u>Administration</u> - 15% - Assists the Curator with the routine daily records, forms and correspondence of the Museum; administers relevant sections of budget and assumes responsibility for staffing Museum when Curator is absent. | |
| 5. <u>Public Relations</u> - 10% - Assists Curator with publicity to/for the general public designing flyers, brochures, press releases and maintaining Museum "contacts". | |
| 6. <u>Kit Supervision</u> - 10% - Oversees the "school kit" lending program including bookings repair and promotion. | |
| 7. <u>Special Events</u> - 5% - Organizes and promotes special seasonal activities, on and off-site. | |

VIII DUTIES (continued)

Which of the listed duties are the most difficult or the most complex? (Explain why.) (List in order of complexity.)

8. Library - 25% - Maintains and catalogues reference library for teachers and general public.

9. Acts as Safety Officer and Fire Warden - 25%

IX INDEPENDENCE OF ACTION

Describe guidance received? (Indicate where guidance originates.)

General Guidance.

Daily contact, as needed, with Curator.

Formal Staff Meetings once a week.

Relevant Course or Reading Material as they become available.

Independence of action occurs when Curator is not present.

X EQUIPMENT OR MOTORIZED VEHICLES USED

Type	Proficiency Required	% of Time Used
Audio-Visual Equipment	Good	
Typewriter	Average	
Word Processor	Average	
Mechanical Displays	Average	
Telephone	Excellent	
Car	Good	
Tools	Average	
Artistic Equipment	Good	
(VARIES UPON DEMAND)		

VIII - DUTIES 1

1. Registrar: Collection and Record Management - 20%

- Registration, cataloguing and numbering of all incoming articles/artifacts/aquisitions received through: loans, donation, purchase, or created expressly for museum.
- Comprehensive documentation of the Museum's permanent collection including computerized inventory.
- Completion of contractual forms of all gifts, loans and bequests received by the Museum and those lent by the Museum and appropriate follow up.
- Condition and location reports on-going.
- Maintenance and preservation of the collection according to Museum standards within the current budgetary restrictions and carries out conservation measures as appropriate.
- Monetary assessment of the collection and exhibits for insurance purposes.
- Input in next year's budget allocation as it applies to the area of collection and record management.
- Oversees the care and handling of Artifacts on display, in storage and in transportation on a regular basis.
- Carries out research in connection with acquisition and accessioning of artifacts and in response to inquiries.
- Supervise volunteers/co-op students, Interpreter working in this area.
- Photographs artifacts as required.

2. Exhibit Interpreter - 25%

- Under the functional guidance of the Education Officer "While on exhibit floor duty".
- Conducts interpretation programs for groups; works with the public; monitors exhibit floor and maintains discipline.
- Repairs and maintains exhibit floor activity centers and displays.
- Opens and closes museum with attendant responsibilities.
- Supervise volunteer/co-op students working on exhibit floor.
- Co-Ordinates schedule and supervises work of Educational Interpreter.

Page 2 - Continued
General Assistant Position

3. Exhibit Preparator/Designer - 10-15% (as part of a team)

- Assists in monitoring and evaluating exhibits and in taking photographic records of exhibits as required.
- Under the direction of the Education Officer, assists in the artistic design, construction and installation of the activity centres and, if called upon, create specific activity centres.
- Responsible for maintenance, monitoring, and recommended budget allocations of art supplies and equipment.
- Responsible for the organization of the art preparation work area and storage facilities.

4. Administrative Assistance - 15%

- Completes time cards, attendance sheets, forms and reports; signs these forms when Curator is absent.
- Oversees daily statistics and weekly box office statements and cash deposits, petty cash forms, bank deposits.
- Handles routine correspondence, typing.
- Keeps running inventory for ordering of supplies.
- Responsible for yearly inventory of all Museum assets and articles on loan.
- Provides input into the preparation of annual budget and grant applications.
- Responsible for administration of final sections of annual budget (i.e. conservation, library).
- Supervise volunteer/co-op students as required.
- Responsible for the operation and staffing of the Museum in the absence of the Curator; supervision of administrative staff.

5. Public Relations Co-Ordinator - 10%

- Manages the flow of information between the Museum and the general public providing details on exhibits, programs and special events; increases public awareness of the facilities through press releases, flyers, brochures, radio and television coverage and displays.
- Assist on design and art-related production (working layouts, publicity flyers, booklets, displays, activity sheets, promotional materials).
- Supervises volunteer/co-op students as appropriate.
- Assists Curator with liaison with sponsors and supporters of Museum.

Page 3 - Continued
General Assistant Position

- Initiates written reviews of exhibits and special programming; provides pre-packaged incentives.
- Maintains and expands current mailing list.
- Respond to public inquiries.
- Maintains and organizes an up-to-date press coverage file containing documentation of exhibits and special events; slide file.
- Co-ordinates volunteer program where applicable.

Educational
and
portfolios

6. Kit Supervisor (as required 10%)

- Supervision of the present kit lending program of 13 kits (as of 1985): kit bookings, confirmations, monitoring of outgoing and incoming kit material; kit maintenance (inventory repair & replacement) (average kit value is approximately \$1,000.00 including irreplaceable resource materials).
- Compilation of public information packages on kits.
- Responds to public inquiries.
- Supervises volunteer students involved in this area.

7. Special Events Co-Ordinator - 5%

- Organization and scheduling of special events outside normal Museum programming.
- Promotion in schools, recreation centres and public organizations.
- Research and feasibility studies for future programming.
- Supervises volunteers or paid "performers".

8. Library Supervisor - 2.5%

- Maintenance of the current Museum reference library (as specified in Museum Standard Regulation implemented 1984).
- Cataloguing, numbering and classification of the Museum library collection.
- Develops hands-on reference materials for educators.
- Co-ordinates public access.

9. Fire Warden and Safety Officer - 2.5%

- Oversees and evaluate the Museum operation in compliance with safety regulations and fully responsible when Curator is absent.
- Ensures staff awareness of safety regulations; oversee implementation of recommendations.
- Expedites fire prevention and drills annually.
- 24 hour access to Museum for emergencies, holding full set of keys.
- Is responsible for setting and removing alarms when required.
- Provides passive security for all areas of the Museum at all times.
- Takes immediate corrective action with staff, volunteers and public with regard to safety and/or security and reports such actions and situation to the Curator or her supervisor.
- Must be aware of how sprinkler, extinguisher, security, emergency light and other security/safety systems function.
- Supervises and if necessary, carries out routine checks for security and safety systems.
- Must be prepared to carry out emergency procedures or to call 911 and NOTIFY DEPARTMENT.

10. MISCELLANEOUS - 1%

- Must be prepared to drive City-owned vehicles.
- Must be prepared to undertake training relevant to the duties being performed as directed by the Curator and/or the Corporation of the City of Hamilton (i.e. First Aid, Safety, Communications, Staffing Seminars).
- May be required to perform other related duties from time to time, as directed by the Curator.
- Must maintain a good working knowledge of current museological, administrative, educational materials.

XI PHYSICAL AND ENVIRONMENTAL HAZARDS OF POSITION

LIST ALL POSSIBLE HAZARDS, INCLUDING BIOLOGICAL, CHEMICAL OR PHYSICAL AGENTS, THAT EMPLOYEE WILL ENCOUNTER WHILE PERFORMING THE DUTIES OF THIS POSITION

HAZARD	DEGREE OF EXPOSURE
1. <i>Heavy Lifting</i>	<i>kit, displays</i>
2. <i>Glue Paint</i>	<i>developing new displays, games, repairing old etc</i>
3. <i>Stairs, ladders</i>	<i>work varies on 3 levels and in storage or</i>
4.	<i>exhibit spaces.</i>
5.	
6.	
7.	
8.	
9.	
10.	

Completed by

Signature

Position Title

Signature of Department Head or Designate

Date

RECEIVED

AUG 11 1987

4(e)

FOR ACTION

FROM

Ms. Cheryl Lowe
Commissioner of Human Resources

DATE

1987 August 19
CITY CLERKS

TO

Personnel Committee

Refer To File No.

Attention Of

Your File No.

SUBJECT

Appointments to and Terminations from both permanent and temporary positions with the Corporation to August 6, 1987.

RECOMMENDATION

as attached

Cheryl Lowe

BACKGROUND

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Ms. Annabell Acheson	Traffic Checker	Traffic	replacing Mr. Albert Smith - retired	B-3	\$392.00 per week	87/07/29
Mr. Robert Aldridge	Hydraulic Back Hoe Operator	Public Works	replacing Mr. Frank Ludwig - resigned	D-11	\$12.107 per hour	87/07/13
Ms. Carmela Alletto	Typist Clerk II	Traffic	returning to permanent position - was replacing M. Gould mat. leave	E-2	\$339.48 per week	87/07/06
Mr. Kevin Barker	Stores Attendant	Purchasing Division of Treasury Dept.	replacing Mr. Frank Vero - retired	D-7	\$11.795 per hour	87/06/29
Mr. Peter Booker	General Foreman - Landscaping	Public Works	replacing Mr. M. Marynowicz - retired	M-3	\$31349.76 per annum	87/07/13
Mr. Ronald Boutcher	Asphalt Raker	Public Works	additional staff as approved	D-9	\$11.915 per hour	87/07/06
Mr. Fernando Cabral	Asphalt Spreader Operator	Public Works	replacing Mr. Terry Short - promoted	D-11	\$11.907 per hour	87/07/06
Ms. Helen Caffery	Clerk Typist III	Culture and Recreation	replacing Ms. C. Franceschini - promoted	E-1	\$310.22 per week	87/07/22

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Vince Cantwell	Electrical/Electronic Technician	Central Utilities Plant Division of H.E.C.F.I.	replacing Mr. Gordon Lepitre - promoted	M-17	\$14.585 per hour	87/07/13
Mr. Carmine Colalillo	Concrete Finisher (Districts)	Public Works	replacing Mr. Giuseppe DiLuca - transferred	D-8	\$11.654 per hour	87/07/20
Ms. Marilyn Coy	Accounting Clerk	Central Garage Division of Public Works	returning to permanent position - was replacing L. Barker off sick	A-5	\$433.82 per week	87/07/20
Mr. Ronald Doucet	House Plan Examiner and Draftsman	Building	replacing Ms. Susan Parker - promoted	A-8	\$473.37 per week	87/07/20
Mr. Thomas Fehr	Operations Engineer	Central Utilities Plant Division of H.E.C.F.I.	replacing Mr. Joel Hines - resigned	15	\$33544.68 per annum	87/07/20
Mr. Francesco Filice	Concrete Finisher (Districts)	Public Works	replacing Mr. Pierino Finocchi - retired	D-8	\$11.654 per hour	87/06/29
Mr. Gennario Fiorino	Concrete Finisher (Districts)	Public Works	replacing Mr. Thomas LaForme - promoted	D-8	\$11.654 per hour	87/06/29

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	RATE	EFFECTIVE DATE
Mr. Fernando Franchi	Motor Mechanic	Central Garage Division of Public Works	replacing Mr. Eric Storey - on L.T.D.	D-17	\$13.957 per hour	87/07/20
Mr. William Jankowski	Market Collector	Market Section of City Clerk's	replacing Mr. George Veerman - terminated	B-2	\$9.959 per hour	87/07/10
Ms. Linda Juchniewicz	Typist Clerk II	Treasury	replacing Ms. Ann Boyajian - promoted	E-2	\$326.45 per week	87/07/20
Mr. Andy Kosa	Street Sweeper Operator	Public Works	replacing Mr. Patrick Tompkins - promoted	D-9	\$11.715 per hour	87/07/01
Mr. Libero Malisa	Concrete Finisher (Districts)	Public Works	replacing Mr. G. Schinella - on W.C.B.	D-8	\$11.654 per hour	87/06/29
Mr. Alberto Medeiros	Asphalt Raker	Public Works	replacing Mr. Alexander Berry - promoted	D-9	\$11.915 per hour	87/07/06
Ms. Deborah Minore	House Plan Examiner and Draftsman	Building	replacing Ms. Sandra Tucker - transferred	A-8	\$473.37 per week	87/07/20
Mr. Stephen Popovich	Garbage Truck Driver	Public Works	replacing Mr. David Clinch - promoted	D-9	\$11.915 per hour	87/07/06

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	RATE	EFFECTIVE DATE
Ms. Stephanie Prpic	Administrative Assistant IV	City Clerk's	returning to permanent position - was replacing R. D'Ortenzio mat. leave	Q	\$22571.64 per annum	87/07/20
Mr. Mike Siena	Concrete Finisher (Districts)	Public Works	replacing Mr. F. Ricciardone - retired	D-8	\$11.654 per hour	87/06/29
Ms. Patty Smith	Junior Accounting Clerk	H.E.C.F.I.	replacing Ms. Josephine Brazier - resigned	6	\$17451.72 per annum	87/07/20
Mr. Kevin Theoret	Garbageman	Public Works	replacing Mr. Patrick Boyle - retiring	D-8	\$11.854 per hour	87/07/06
Mr. Michael Webster	Garbage Truck Driver	Public Works	replacing Mr. John Pack - terminated	D-9	\$11.915 per hour	87/07/13
Mr. Martin White	Legislative Technologist	Traffic	new position	A-12	\$34498.98 per annum	87/07/20

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON	LENGTH OF SERVICE	EFFECTIVE DATE
Ms. Josephine Brazier	Junior Accounting Clerk	H.E.C.F.I.	resigned	5 years & 11 months	87/07/16
Mr. William Cottrell	General Manager	Parking Authority	retired	32 year & 11 months	87/07/31
Ms. Michelle Forrester	Stenographer III	Building	resigned	2 years & 1 month	87/08/07
Mr. Victor Fournel	Backhoe Operator	Public Works	retired	21 years & 4 months	87/07/31
Mr. George Green	General Foreman	Public Works	retired	38 years & 1 month	87/08/28
Mr. Ronald Heemskerk	Asphalt Raker	Public Works	terminated	1 year & 1 month	87/07/21
Mr. James Short	Roller Operator	Public Works	retired	32 years & 3 months	87/07/31
Mr. Edward Torres	Concrete Finisher	Public Works	resigned	1 year & 1 month	87/07/06
Mr. Palmerio Valerio	Asphalt Raker	Public Works	retired	20 years & 4 months	87/07/31

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO TEMPORARY POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	RATE	EFFECTIVE DATE
Mr. Douglas Anderson	Junior Maintenance Management Clerk (temporary)	Public Works	replacing Mrs. Joy Wilde - maternity leave	A-6	\$436.92 per week	87/07/13
Mr. Randy Guenther	Foreman III (Districts) (temporary)	Public Works	replacing Mr. S. Capostagno - promoted	13-C	\$26767.00 per annum	87/07/14
Mrs. Marilyn Kay	Administrative Assistant I (temporary)	City Solicitor's	replacing Mrs. Joyce Davis - off sick	N	\$29155.36 per annum	87/07/02
Ms. Shari Pouliot	Program Organizer (temporary)	Culture and Recreation	replacing Ms. Julie Matson - maternity leave	A-7	\$449.07 per week	87/08/04
Mr. Larry Torresin	Unit Supervisor (temporary)	Culture and Recreation	replacing Mr. Donald Taylor - off sick	11-C	\$30145.96 per annum	87/07/13

THE CORPORATION OF THE CITY OF HAMILTON
 TERMINATIONS FROM TEMPORARY POSITIONS

NAME	CLASSIFICATION	DEPARTMENT	REASON	LENGTH OF SERVICE	EFFECTIVE DATE
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NO TERMINATIONS FROM TEMPORARY POSITIONS AT THIS TIME

5(a)

FOR INFORMATION

FROM Commissioner, Human Resources Centre **DATE** August 19, 1987
TO Personnel Committee **Refer To File No.** _____
Attention Of _____
Your File No. _____

SUBJECT

City of Hamilton Lost Time Frequency Rate for Second Quarter, 1987.

BACKGROUND

For information only.

Cheryl Lowe

Human Resources Centre

1987 07 09

Mrs. D. Jones
Manager of Personnel Services

I wish to report the City of Hamilton Lost Time Frequency Rate for the second quarter of the 1987 as 6.75, which is 9% better than second quarter 1986.

This establishes an L.T.F.R. of 6.35 for the first half of 1987, an 8.5% improvement over the same period of 1986.

Hamilton Farmers Market had one incident which is included in the computation of the total frequency rate.

A zero rating was achieved by the following disciplines:

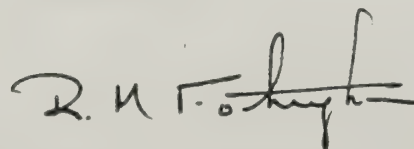
Central Garage C.U.P. Hamilton Place

Semi-annual rates established against the various Departments and facilities are as follows with the second quarter contributing frequency in parenthesis.

	<u>Jan.-June(inc.)</u>	<u>Apr.-June(inc.)</u>
Culture & Recreation	1.68	(0.00)
Copps Coliseum	2.10	(4.49)
Library	2.31	(3.02)
Convention Centre	3.05	(0.00)
Cemetery	3.42	(5.68)
Property Maintenance	5.79	(5.66)
Fire	8.07	(6.20)
Traffic	8.74	(11.89)
Districts	9.05	(9.97)
Parking Authority	10.21	(22.24)
Parks Maintenance	14.13	(13.65)
Parks Horticulture	18.52	(7.59)
Garbage	48.23	(61.30)

A list of second quarter incidents by Department is attached for your information.

Yours truly,



Robert M. Fotheringham, C.R.S.P.
Safety Officer

RMF/rs
Enc.

July 9, 1987

2nd Quarter 1987

Incidents & Contributing Factors

Cemetery

1 - left eye - grit in eye

Library

1 - right shoulder - lifting books
1 - right hand - pinched on bookcart

Traffic

1 - right finger - hit with wrench
1 - left ankle - fell off of sign
platform
1 - lower back - moving scrap cable

Fire

1 - upper back - lifting fire hose
1 - left eye - grit in eye
1 - both eyes - grit in eyes
1 - back and hip - lifting pail of water
1 - lower back - slipped from truck
1 - lower back - turning during ladder
raise
1 - right shoulder - lifting hose

Parks Maintenance

1 - lower back - lifting benches
1 - right groin - lifting triplex
1 - left thumb fractured - fell in
bleachers
1 - left ankle - stepped in hole

Parks Horticulture

1 - left ankle sprained - climbing
tree
1 - left shoulder - slipped on
running board

Hamilton Farmers Market

1 - lower back - stretching to tie ropes

Property Maintenance

1 - back - lifting tables and chairs

Districts

1 - right back - cleaning catch basins
1 - right hand sprained - pulling start cord
1 - left foot - hit with catch basin lid
1 - right elbow - hit on steel stairs
1 - right index finger - cut on metal sign
1 - right groin - lifting sand box

Garbage

1 - back - lifting garbage
1 - lower back - lifting fridge
1 - tailbone - fell
1 - left knee - lifting garbage, pulled muscle
1 - lower back - lifting garbage
1 - lower back - lifting garbage
1 - left ankle twisted - hit pot hole
1 - lower back - lifting garbage
1 - right eye - splashed with acid
1 - lower back - lifting garbage
1 - right finger - jammed between can and
hopper
1 - middle back - lifting garbage bag
1 - back - lifting garbage bag
1 - right leg - cut on glass in garbage

Copps Coliseum

1 - groin - lifting arena boards

Parking Authority

1 - left finger broken - jammed in door
handle

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



Mrs. J. McAnanama
Chief Librarian

LBN 3T4

THE CORPORATION OF THE CITY OF HAMILTON

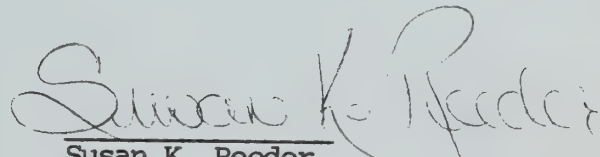
OFFICE OF THE CITY CLERK

1987 September 11

CA14 ON HBL AOS
CSIP4

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1987 September 16
2:00 o'clock p.m.
Room 233, City Hall


Susan K. Reeder
Acting Secretary

SKR:jf

AGENDA

1. Minutes of the meeting held Wednesday, 1987 August 12.
2. Alderman Cooke
 - (a) Conversions of single-family dwellings to student housing in West Hamilton (no copy)
3. Building Commissioner
 - (a) Demolition Permit Applications
 - (i) 551 John Street North
 - (ii) 312 Bold Street
 - (iii) 538 Barnaby Street
 - (iv) 429 Kenilworth Avenue North
 - (b) Prioratization of Workload
4. Department of Engineering
 - (a) Connection of Roof Leaders into Storm Sewers

7. Urban Design Committee

- (a) Commercial Sign Study

8. L.A.C.A.C.

- (a) West Avenue School

Public Meeting
3:00 o'clock p.m.

9. Zoning Application ZA-87-56, R. Goldman and L. Erez, owner and prospective owner, for a change in zoning from "L-c" modified to "G" for property at No. 1512 and part of No. 1504 Upper Gage Avenue; Eleanor Neighbourhood.
Public Meeting - 3:00 p.m.
10. Zoning Application ZA-87-63, 543003 Ontario Limited (Perry's Restaurant), owner, for a modification to the "G" District regulations for property at No. 1088 Main Street West; Westdale Neighbourhood.
Public Meeting - 3:00 p.m.
- (a) Letter of Objection - Mr. Daniel R. Marshall, 1100 Main St. W.
(b) Letter of Objection - Malcolm C. Cline, 34 Cline Avenue South.
(c) Letter of Objection - Rev. G. Meek, New Covenant Fellowship,
1080 Main Street West.
11. Zoning Application ZA-87-64, Parkdale Hotel (Hamilton) Limited, owner, for a modification to the "H" District regulations for property at No. 126 Queenston Road; Glenview West Neighbourhood.
Public Meeting - 3:15 p.m.
- (a) Letter of Objection - Mrs. Charlotte Craig, 1001 Central Avenue
12. Zoning Application ZA-87-72, Fortino's Supermarkets Limited, owner for a modification to the "M-12" District regulations for property municipally known as NO. 1275 Rymal Road East; Rymal Neighbourhood.
Public Meeting - 3:15 p.m.
13. Zoning Application ZA-87-74, W. P. Jazvac, prospective owner, for a modification to the existing "E-3" District regulations for property municipally known as Nos. 122-124 Young Street; Corktown Neighbourhood.
Public Meeting - 3:15 p.m.
14. Subdivision Application SA-87-11 and Zoning Application ZA-87-51, Wellington Chase Inc., owner, for various changes in zoning for lands on the south side of Stone Church Road East and east of Upper Wellington Street; Barnstown Neighbourhood.
Public Meeting - 3:30 p.m.

15. Zoning Application Za-87-62, P. Mercanti, prospective owner, for a modification to the "M-14" District regulations for lands at the south-east corner of Bigwin and Anchor Roads; Hannon North Neighbourhood.
Public Meeting - 3:30 p.m.
16. Site Plan Control Application DA-87-34, ITCA Community Development Inc., prospective owner, for lands at the south-west corner of Upper Wentworth Street and Pescara Avenue; Crerar Neighbourhood.
Public Meeting - 4:00 p.m.
17. Site Plan Control Application Approval (For Information)
18. Subdivision Application SA-87-10, W. Galdenzie, owner, for a Draft Plan of Condominium, for property on the north side of Loconder Drive, east of Upper Gage Avenue; Quinndale Neighbourhood.
19. Subdivision Application SA-87-12, Two-Way Construction Ltd., owner, to establish a Draft Plan of Condominium located on the north side of Wheeler Place, east of Hess Street, south of Bold Street and west of Caroline Street; Durand Neighbourhood.
20. Hamilton Development Incentives Proposal (P5-4-2-14).
21. Ethnic Commercial Village (P5-4-37).
22. Request to amend the Hamilton-Wentworth Official Plan - Town of Ancaster (P7-3).
23. High Density Residential Development Study Phase 2 (P5-4-7-15).
24. Other Business
25. Adjournment

Wednesday, 1987 August 12
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman T. Cooke
Alderman B. Hinkley
Alderman H. Merling

Regrets: Alderman Wm. McCulloch - Civic Business
Alderman S. Collins

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. P. Lampman, Building Department
Mr. B. Allick, Building Department
Mr. P. Kuppe, Building Commissioner
Mr. P. Hooker, City Solicitor's Office
Mr. R. Doucette, Building Department
Mr. V. Abraham, Director of Local Planning
Mr. E. Kowalski, Director of Community Development
Ms. S. Renshaw, Department of Community Development
Mrs. N. Chapple, Planning Department
Mr. K. Brenner, Regional Engineering
Miss A. Gillespie, Planning Department
Mr. J. Schwarz, Regional Planning
Mr. J. Sakala, Planning Department
Mr. D. Vyce, Director of Property
Mr. J. Zipay, Planning Department
Mr. J. Thoms, Planning Commissioner
Mr. R. Karl, Traffic Department
Mr. J. Pavelka, Director of Public Works
Ms. V. Grupe, Planning Department
Mrs. S. K. Reeder, Acting Secretary

The Committee was in receipt of the minutes of their last meeting held Wednesday, 1987 July 15.

Minutes -
1987 July 15

It was moved by Alderman Ross, seconded by Alderman Hinkley and carried to adopt these minutes.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 6 respecting the Rental Housing Protection Act - Severance Application SE87-001, 126 and 128 Robert Street.

Rental Housing
Protection Act -
Severance
Application
SE87-001,
126 and 128
Robert Street

Ms. Vanessa Grupe presented the staff report on this application with the recommendation that this application be denied.

Mr. Constantino Tyrosvoutis, owner of the above noted properties and Mr. Alexander Mouriopoulos, Solicitor for Mr. Tyrosvoutis appeared before the Committee with respect to this application.

Some concern was expressed by Mr. M. Tyrosvoutis that they were not aware that this recommendation would be for denial and asked that this matter be deferred until later in the meeting in order to give them an opportunity to discuss this denial recommendation with Ms. Grupe.

Planning and Development Committee

Wednesday, 1987 August 12

It was then moved by Alderman Ross, seconded by Alderman Christopherson and carried to defer this matter until later in the meeting in order for discussion to take place.

The Committee was in receipt of a report from the Building Commissioner dated 1987 August 5 respecting various demolition permit applications. The Committee then approved the following recommendation:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following residential buildings:

- (a) 527 Upper Wellington
- (b) 202 Glow Avenue
- (c) 965 Stonechurch Road East
- (d) 134 Bay Street North

Concern was expressed by Alderman Merling on the application for demolition permits for the following properties:

20, 32, 34, 36, 38 Brucedale Avenue East.

Alderman Merling requested that this matter be tabled in order to provide an opportunity to ascertain the intent of the owner once these buildings have been demolished. The Committee then agreed to table this matter.

The Committee was in receipt of a report from the Building Commissioner dated 1987 August 6 respecting Building Department staffing and responsibility.

Mr. P. Kuppe, Building Commissioner explained to the Committee that in view of the recent decision of City Council of not appointing additional staff, that his department would be unable to assume the additional responsibilities as approved in Item 16 of the Fifteenth Report of the Planning and Development Committee approved by City Council on 1987 July 28.

Considerable discussion ensued on this matter and it was agreed that a report be prepared by the Building Commissioner to the Planning and Development Committee on the following points:

- (a) Suggestions on alternating the workload of the Building Department staff in order to prioritize the responsibilities assigned to them.
- (b) The impact that this prioritizing of workload would have on all responsibilities under the mandate of the Building Department.
- (c) A report on the impact that will occur due to the fact that City Council at its recent meeting did not approve the full request for staffing increases in the Building Department.

The Committee was in receipt of a report from the Director of Community Development dated 1987 July 27 respecting the Downtown Hamilton Action Plan, Canadian Imperial Bank of Commerce; Streetscape Improvements.

Demolition
Permit
Applications

-Brucedale
Avenue East
Properties

Staffing and
Responsibility -
Building
Department

Downtown Hamilton
Action Plan,
Canadian Imperial
Bank of Commerce
Streetscape
Improvements

Planning and Development Committee

Wednesday, 1987 August 12

The Committee approved the following recommendation:

- (a) That the Planning and Development Committee recommend to the Executive Committee that the Downtown Hamilton Action Plan, Canadian Imperial Bank of Commerce, Streetscape Improvements, be proceeded with at an estimated gross cost of \$80 000 (Eighty Thousand Dollars) as provided for in the 1987 portion of the 1987-1991 Capital Budget as Project No. 37003, and
- (b) That the Treasurer be request to recommend to the Executive Committee the amount and source of funds to be provided for this Capital Project.

The Committee was in receipt of an information item from the Director of Community Development dated 1987 July 31 respecting the Ottawa Street Business Improvement Area (B.I.A.); Jockey Club Tavern exemption from the B.I.A.

Mr. John Jaskula, Solicitor for the Jockey Club Tavern Limited was in attendance. Mr. Jaskula requested that this item be deferred until 3:00 o'clock p.m. in order that his client, Mr. Wally Mack, could be in attendance. The Committee agreed to wait until 3:00 o'clock to deal with this item.

The Committee was in receipt of an information item from the Director of Community Development dated 1987 August 7 respecting Crown Point West/Stipeley PRIDE application for 1987-88 program year.

It was moved by Alderman Hinkley, seconded by Alderman Ross and carried to receive this report.

The Committee was in receipt of an item which was referred to the Planning and Development Committee by City Council from the Attorney General respecting his comments on a brochure published by the Ontario Freedom Party entitled "Warning! B.I.A.'s are Hazardous to Your Economic Health and Independence".

Following discussion on this matter, it was moved by Alderman Hinkley, seconded by Alderman Ross and carried that comments be obtained on this matter from the Minister of Municipal Affairs and the Ontario Business Improvement Area Association.

The Committee was in receipt of a report from L.A.C.A.C. dated 1987 July 31 respecting West Avenue School's recommendation requesting that the Director of Property not proceed with the demolition of West Avenue School as approved by City Council on 1987 March 10 until such time as possible alternative uses for the original 1880's school building has been investigated. The Committee agreed to table this matter and further requested that Ms. Chapple provide a report on those buildings which have been listed on L.A.C.A.C.'s list of Hamilton's Inventory of Architecturally and Historically Significant Buildings.

The Committee was in receipt of an information report from L.A.C.A.C. dated 1987 July 31 respecting the Ontario Heritage Policy Review.

Ottawa Street
Business Improve-
ment Area (B.I.A.)
Jockey Club Tavern
Exemption from
the B.I.A.

Crown Point West/
Stipeley PRIDE
Application

Publication -
"Warning! B.I.A.'s
are Hazardous to
Your Economic
Health and
Independence"

L.A.C.A.C. -
West Avenue
School

L.A.C.A.C. -
Ontario Heritage
Policy Review

Planning and Development Committee

Wednesday, 1987 August 12

Alderman Christopherson added various comments that he would like to see included in this report. It was then moved by Alderman Hinkley, seconded by Alderman Christopherson and carried to receive this information report.

Sale - Lot 17,
Plan M-227,
Hamilton
Industrial
Park No. 1,
Nebo Road -
723485
Ontario Limited

The Committee was in receipt of a report from the Director of Property dated 1987 July 16 respecting Sale - Lot 17, Plan M-227-Hamilton Industrial Park No. 1, Nebo Road - 723485 Ontario Limited. The Committee then approved the following recommendation:

That an Offer to Purchase the lands of The Corporation of the City of Hamilton, Lot 17, Plan M-227 located on Nebo Road, duly executed on 1987 July 15, by the Purchaser, 723485 Ontario Limited and schedule for closing on 1987 October 2, be approved and completed.

NOTE: The purchase price is \$97 140.00. A deposit cheque in the amount of \$9 714.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the western limit of Nebo Road, having a frontage of 201 feet by a depth of 405.68 feet/433.31 feet and containing an area of 1.9428 acres.

This Offer to Purchase is conditional upon the following conditions being met prior to closing:

- (a) That the Vendor will obtain a Zoning Verification Certificate that will indicate that the Purchaser's proposed uses are allowed on the subject lot.
- (b) That the Purchaser will obtain at its own expense a soil test confirming that the subject land will support the construction of the building proposed to be constructed by the Purchaser.
- (c) That the Purchaser will have obtained site plan approval and a building permit allowing the construction of the building proposed to be built by the Purchaser on the subject lands.
- (d) Failing the satisfaction of anyone or all of these conditions this Offer shall be null and void and the deposit shall be returned to the Purchaser without interest or deduction.
- (e) The aforesaid conditions are included for the benefit of the Purchaser and may be waived by it.
- (f) It is understood and agreed that the Vendor upon closing of this transaction will pay a 5% Real Estate Commission to Chambers & Company Limited, whose agent Mr. M. A. Blair acted in this matter.

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached herewith as APPENDIX "J".

Planning and Development Committee

Wednesday, 1987 August 12

The Committee was in receipt of a report from the Director of Property dated 1987 July 22 respecting an extension of closing date - City Sale to Ironwood Design and Construction Limited - Parts IX and X, Plan 62R-6932 - 35 Keefer Court.

It was moved by Alderman Ross, seconded by Alderman Cooke and carried to approve the following recommendation:

- (a) That the closing of the transaction dated 1987 February 3, between Ironwood Design and Construction Ltd. and the City of Hamilton for Parts 9 and 10, Plan 62R-6932 - 35 Keefer Court be extended to November 25, 1987.
- (b) That time continue to remain of the essence of the agreement and all other terms and conditions of the agreement are to remain the same.

At this point in the meeting the Committee dealt with Item 4(b) of their agenda respecting an information report from the Director of Community Development dated 1987 July 31 respecting the Ottawa Street Business Improvement Area (B.I.A.); Jockey Club Tavern exemption from the B.I.A.

Mr. John Jaskula, Solicitor for the Jockey Club Tavern, made a presentation before the Committee for exemption from the Ottawa Street B.I.A. Mr. Wally Mack of the Jockey Club Tavern was also in attendance, as well as a representative of the Ottawa Street B.I.A.

Considerable discussion ensued on this matter, and it was suggested that an Arbitrator be appointed to try to resolve this matter in a satisfactory manner to all parties.

Mr. L. Sage, Chief Administrative Officer was in attendance at the meeting and suggested that he assume the role of Arbitrator and report back to the Planning and Development Committee on this matter.

It was then moved by Alderman Christopherson, seconded by Alderman Hinkley and carried:

- (a) That the Chief Administrative Officer act as an Arbitrator between the City of Hamilton and the Jockey Club Tavern and the Ottawa Street B.I.A. in an effort to arrive at a solution to the concerns raised by the various sides with respect to the Jockey Club being exempted from the Ottawa Street B.I.A., and
- (b) That if this negotiation is not successful that this matter be referred back to the Planning and Development Committee for a decision.

It was also agreed that the Chief Administrative Officer determine who will be a part of these negotiations.

The Committee then deliberated on the report of the Planning and Development Department dated 1987 August 6 respecting the Rental Housing Protection Act - Severance Application SE-87-001, 126 and 128 Robert Street.

Extension of
Closing Date -
City Sale to
Ironwood Design
and Construction
Limited -
Parts IX and X,
Plan 62R-6932-
35 Keefer Court

Ottawa Street
Business Improve-
ment Area (B.I.A.)
Jockey Club
Tavern exemption
from the B.I.A.

Rental Housing
Protection Act-
Severance
Application
SE-87-001,
126 and 128
Robert Street

Planning and Development Committee

Wednesday, 1987 August 12

Ms. Vanessa Grupe gave some clarification on this matter to the Committee. Considerable discussion ensued on this matter and its various aspects and it was then moved by the Mayor, seconded by Alderman Cooke and carried to approve the following recommendation:

That the application for the severance of 126 and 128 Robert Street, under the Rental Housing Protection Act, be **APPROVED UNCONDITIONALLY** on the following basis:

- (a) Approval of this Severance application will not adversely affect the supply of affordable rental housing in the City of Hamilton.

Public Meeting
Format

At this point in the meeting, the session moved into a public meeting format for the purpose of hearing Zoning Applications.

ZA87-58 -
2774 and 2794
King Street East

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 29 respecting Zoning Application 87-58, Tommar Construction Company, owner and prospective owner for the property located at 2774 and 2794 King Street East.

Results of the circularization were as follows:

66 notices sent 3 in favour 12 opposed.

Mrs. Jackson, 2717 King Street East appeared before the Committee in opposition to this application. She expressed concern that the traffic is already very dense in this area and feels that a gas bar is unnecessary.

Mr. and Mrs. Pearson, 23 Owen Place appeared before the Committee. They also feel that a gas bar is unnecessary and that the area does not need additional commercial use.

Mr. Bob McGregor and Mr. Cochrane of Tommar Construction Company, owner and prospective owner for the effected property appeared before the Committee in support of the application.

Considerable discussion ensued on this matter and it was moved by Alderman Merling, seconded by Alderman Hinkley and carried to approve the following recommendation:

That Zoning Application 87-58, Tommar Construction Company, owner and prospective owner, requesting a change in zoning from "G" (Neighbourhood Shopping Centre) District, modified, to "HH" (Restricted Community Shopping and Commercial, etc.) District to permit the development of the subject lands for a 4 273m² (45 000 sq. ft.), commercial plaza, for the property located at No. 2774 and 2794 King Street East as shown on the attached map marked as Blocks "1" and "2" on APPENDIX "A", be **DENIED** for the following reasons:

- (a) it is contrary to Council-adopted policy (approved Gershome Neighbourhood Plan) which prohibits highway uses such as restaurants, gas stations, etc., from locating on the subject lands;
- (b) Block "2" does not comply with the Official Plan.

Planning and Development Committee

Wednesday, 1987 August 12

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 28 respecting Zoning Application 87-59, May Scriven, owner, request for property located at No. 1232 Upper Gage Avenue.

ZA87-59 -
1232 Upper Gage
Avenue

Report of the circularization was as follows:

215 notices sent 12 in favour 0 opposed.

The Committee then approved the following recommendation:

That APPROVAL be given to Zoning Application 87-59, May Scriven, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for 2 single family dwellings fronting on Rexford Drive, for the rear portion of the lands located at No. 1232 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "B", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38B;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear portions of the lands located at No. 1232 Upper Gage Avenue as shown on the attached map marked as APPENDIX "A".

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 27 respecting Zoning Application 87-60, B. W. M. Construction Limited and Bergamont Development Limited, owners, for land at No. 985 Upper Ottawa Street and No. 5 Carson Drive.

ZA87-60 -
985 Upper Ottawa
Street and
5 Carson Drive

Report of the circularization was as follows:

337 notices sent 31 in favour 8 opposed

Mr. Rhora, 223 Larch Street, appeared before the Committee in opposition to this application and indicated that the traffic is quite dense in the area already.

Mrs. Carole Bouk, 207 Larch Street appeared before the Committee. She advised that she has long been opposed to the existing plaza. A letter dated 1987 August 4 was received by the Committee. She indicated that she is concerned at the accesses from the plaza into the developed residential area and wants access onto Carson as well as Larch in order to balance traffic flow.

Mr. R. Karl of the Traffic Department gave a description of the access possibilities from the Plaza. He indicated that he does not want to see an access on to Carson but would prefer that it remain at Larch.

Planning and Development Committee

Wednesday, 1987 August 12

Mrs. McCarthy, 211 Larch Street spoke in opposition to this application specifically with the access proposed onto Larch Street. Mrs. McCarthy submitted several pictures of the plaza and the condition of it.

Mr. Bouk, 207 Larch Street also spoke to the Committee about his concerns with the increased traffic flow in the residential area. He added that he feels the plaza is very poorly maintained for cleanliness.

Mr. McCarthy, 211 Larch Street also spoke to the Committee in opposition to this application.

A resident of Bixby Crescent addressed the Committee and advised that his property backs onto Upper Ottawa Street. He said that he sees the activities in the plaza and is concerned that the fast food business being proposed would increase the garbage flow from this fast food outlet and that no berming protects the residents on Bixby Crescent.

A resident of Carson Drive appeared before the Committee in opposition to this application.

Mr. Young, BVM Construction Limited, applicant for the Zoning Application proposal spoke to the Committee. He advised that he has located a garbage compactor in the plaza in order to alleviate the free flowing garbage around the plaza and that the area residents have a key to use it. He advised that twice a week Laidlaw Transport picks up the garbage that is left around the compactor by those who do not have keys. He supported the application of a Harvey's Restaurant as meeting the needs of the people and added that Harvey's have their own compactor in their building.

The Committee then discussed the application, and it was moved by Alderman Hinkely, seconded by Alderman Christopherson and carried to approve the following recommendation:

That Zoning Application 87-60, BVM Construction Limited and Bergamont Development Limited, owners, requesting a change in zoning from "DE" (Low Density Multiple Dwellings) District, modified, and "G-3" (Public Parking Lots) District, modified, to "G" (Neighbourhood Shopping Centre) District, modified, to permit the 2928m² (31 157.76 sq. ft.) addition to the existing shopping plaza and the construction of a 279m² (3003.23 sq. ft.) free standing building, for the property located at No. 985 Upper Ottawa Street and No. 5 Carson Drive, shown as Blocks "1", "2" and "3" on the attached map marked as APPENDIX "C" be DENIED on the following basis:

- (a) it is incompatible development with the existing adjacent residential properties.

ZA87-54 -
308 East Avenue
North

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 21 respecting Zoning Application ZA87-54, Keith Cody, owner, for property located at No. 308 East Avenue North.

Results of the circularization were as follows:

327 notices sent 18 in favour 11 opposed

Mr. Young, 306 East Avenue North appeared before the Committee. He expressed concern at the future uses of this property should the zoning change be granted. Staff advised that the use would be for storage, wallpaper, stock, etc. and that the application before the Committee is to legalize the use of this building.

Planning and Development Committee

Wednesday, 1987 August 12

It was then moved by Alderman Hinkley, seconded by Alderman Ross and carried to approve the following recommendation:

That APPROVAL be given to Zoning Application ZA-87-54, Keith Cody, owner, requesting a modification to the established "D" (Urban Protected Residential One and Two-Family Dwellings etc.) District regulations applicable to property located at No. 308 East Avenue North, as shown on the attached map marked as APPENDIX "D", on the following basis:

- (a) That the "D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement.
 - (i) Notwithstanding Section 10.(1) of By-law No. 6593 only the following uses shall be permitted within the existing building:
 - 1) a storage warehouse for wallpaper and related supplies;
and
 - 2) an accessory office
- (b) That the amending By-law be added to Section 19B of Zoning By-law 6593 as Schedule S-1035, and that the subject lands on Zoning District Map E-12 be notated S-1035;
- (c) That the City Solicitor be directed to prepare a by-law to amend zoning By-law No. 6593 and Zoning District Map E-12;
- (d) That the proposed change is in conformity with the Official Plan for the Hamilton Planning Area;

NOTE: The purpose of this By-law is to provide for a modification to the established "D" (Urban Protected Residential One and Two-Family Dwellings, etc.) District regulations applicable to the lands located at No. 308 East Avenue North

The effect of the By-law is to permit only the following uses within the existing building:

- (i) a storage warehouse for wallpaper and related supplies; and
- (ii) an accessory office.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 21 respecting Zoning Application 87-57, James Miles, owner for property located at No. 1148 and 1160 Rymal Road East.

Report of the circularization was given as follows:

28 notices sent 2 in favour 0 opposed.

ZA87-57 -
1148 & 1160
Rymal Road East

Planning and Development Committee

Wednesday, 1987 August 12

The Committee then approved the following recommendation:

That APPROVAL be given to Zoning Application 87-57, James Miles, owner, for a modification to the established "M-12" (Prestige Industrial) District regulations, for property located at Nos. 1148 and 1160 Rymal Road East, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "E" on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D of the Zoning By-law No. 6593 as amended by By-law No. 87-24 be further amended as follows:
 - (i) That the lands described as Block "1" be added to Schedule "A" of By-law No. 87-24; and
 - (ii) That notwithstanding the provisions of Section 17D(1)(b), the following commercial uses shall be permitted on the lands described as Blocks "1" and "2":

Commercial Uses

Identification No.

General Repair Garage	6351
Paint and Body Repair Shop	6352
Muffler Replacement Shop	6353
Motor Vehicle Glass Replacement Shop	6354
Motor Vehicle Transmission Repair and Replacement Shop	6355

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-998A, and that the subject lands on Zoning District Map E-59E be notated S-998A;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59E;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the established "M-12" (Prestige Industrial) District regulations applicable to property located at Nos. 1148 and 1160 Rymal Road East.

The effect of the By-law is to permit the following additional commercial uses within the established "M-12" (Prestige Industrial) District:

- (i) Auto body paint and repair shop;
- (ii) General repair garage;
- (iii) Muffler replacement shop;
- (iv) Motor vehicle glass replacement shop;
- (v) Motor vehicle transmission repair and replacement shop;
- (vi) Other motor vehicle repair shop.

Planning and Development Committee

Wednesday, 1987 August 12

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 9 respecting Zoning Application 87-61, Ritlyn Investments Limited, owner, for property located at No. 234 Queen Street South.

ZA87-61 - 234
Queen Street
South

Report of the circularization was given as follows:

253 notices sent 9 in favour 6 opposed

Mr. A. W. Burns, Solicitor for the owner of 233 Queen Street South appeared before the Committee. Mr. Burns presented the members of the Committee with a detailed presentation on his applicants opposition to this application and outlined some of the details in his report.

The Committee was also in receipt of a letter of opposition to the application from Mr. and Mrs. Brady, 182 Herkimer Street.

The Committee was also in receipt of a petition signed by numerous people in the Queen Street/Charlton Street area in opposition to this application dated 1987 August 11.

Mr. David Shapiro, representing Ritlyn Investments Limited appeared before the Committee in support of his application. He feels that the objection from the owner at 233 Queen Street South is based on his fear of competition from his proposed store. He disagrees with the concerns on parking and feels that the business would not effect the traffic flow for the community.

Following discussion on this application by the Committee, it was moved by Alderman Cooke, seconded by Alderman Ross and carried to approve the following recommendation:

That Zoning Application 87-61, Ritlyn Investments Limited, owner, requesting a further modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations for property located at No. 234 Queen Street South, as shown on the attached map makred as APPENDIX "F" be DENIED on the following basis:

- (a) Lack of adequate parking facilities for the affected property.
- (b) Dense traffic flow at the corner of Queen Street and Charlton Street.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 24 respecting Zoning Application ZA87-66, Polonia Club Limited, owner, for property located at 4A, 4B, 4 1/2 and 2 Solidarnosc Place.

ZA87-66 - 4A,
4B, 4 1/2 & 2
Solidarnosc
Place

Mr. Jaskula, Solicitor for the applicant for the Zoning Application appeared before the Committee. He advised that his client is in agreement with the alternative proposal item no. 2 being recommended by the Planning Department.

Mrs. Dunn, 51 Beechwood Avenue appeared before the Committee in opposition to this application. She advised that her home experiences garbage and vandalism from the Club and that often people park in front of her driveway which blocks her in.

Planning and Development Committee

Wednesday, 1987 August 12

Mr. Steven Craig, No. 2 Solidarnosc Place appeared before the Committee as a tenant in Block 1. He expressed concern at the impact that this application would have on him.

Mr. and Mrs. Pachioli, 57 Beechwood Avenue appeared before the Committee in opposition to the application. They also expressed their complaints that parking from the Club blocks their access to the street and blocks them in.

Mr. Jaskula, Solicitor for the Club spoke on behalf of his client. He introduced the President of the Club who was also in attendance at the Committee. He informed the Committee that the Club has been existence for 70 years.

Following discussion on this matter by the Committee it was moved by Alderman Hinkley, seconded by Alderman Merling and carried to approve the following recommendation:

That APPROVAL be given to an amended Zoning Application 87-66, Polonia Club Limited, owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District for property located at 4A, 4B and 4-1/2 Solidarnosc Place, shown as Block "1" on the attached plan marked APPENDIX "G" on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations applicable to Block "1" be modified as follows:
 - (i) That notwithstanding Section 9.(1) of By-law No. 6593, the following uses shall be permitted in a building having a maximum gross floor area of 2 300m² (24 757.8 sq. ft.) and a capacity of 500 persons:
 - 1. a social club; and
 - 2. ancillary offices having a maximum of 300 m² (3 229.3 sq. ft.).
 - (ii) That the front yard provisions of Section 9.(3)(i) of By-law No. 6593, shall not apply to the northerly front lot line of Block "1";
 - (iii) That notwithstanding Section 9.(3)(iii) of By-law No. 6583, no rear yard shall be required from the northerly lot line of Block "1".
- (b) That the amending By-law be added to Section 19B of the Zoning By-law No. 6593 as Schedule S-1036 and that the subject lands on Zoning District Map E-32 be notated S-1036;
- (c) That the Stipeley Neighbourhood Plan be amended by redesignating the western half of the subject lands from "Residential - Single and Double" to "Civic and Institutional"; and,
- (d) That the proposed change in Zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That By-law No. 79-275 establishing Site Plan Control be amended by adding the subject lands to Schedule "A".

Planning and Development Committee

Wednesday, 1987 August 12

NOTE: The purpose of the By-law is to provide a modification to the "C" (Urban Protected Residential, etc.) District for property located at 4A, 4B and 4-1/2 Solidarnosc Place, shown as Block "1" on the attached plan marked APPENDIX "G".

The effect of the By-law is to permit the expansion or replacement of the existing club building having a maximum gross floor area of 2 300 m² including 300 m² of ancillary office space and a maximum capacity of 500 persons.

In addition, the By-law provides for the following variances:

- (i) to require no front yard, whereas a minimum front yard of 6.0m (19.69 ft.) is required under Section 9.(3)(i) of Zoning By-law 6593; and,
- (ii) to require no rear yard whereas a minimum rear yard 7.5m (24.61 ft.) is required under Section 9.(3)(iii) of Zoning By-law 6593.

The Committee was in receipt of an amended recommendation dated 1987 August 7 respecting Zoning Application ZA-87-77, Hourigan Management Inc., prospective owner for property located on the east side of Hess Street South, between Main Street West and George Street.

Mr. Glen Chambers, Chambers and Company appeared before the Committee and presented a brief outline of their recommendation for this property. He then introduced Mr. Stan Roscoe, Architect for the project who then had one of his staff present a graphic model of the proposed development. Mr. Shawn Hourigan, applicant also spoke about the project.

A resident of the property at 200 Jackson Street West appeared before the Committee in opposition to this application. She felt that the proposed retirement village would be too noisy for a retirement home.

A representative of the Hess Village Merchants Association appeared before the Committee in opposition to this application. He advised that the Association feels that the proposal is not conducive to the area and read a submission on the Association's opposition to the Committee. A letter signed by Mr. Graham F. Snelgrove, President of the Hess Village Merchants Association dated 1987 August 10 was submitted to the Committee.

Mr. David Church, 38 Hess Street North also opposed the application. He cites the limited parking available in the Village and the impact that this development would have on the already scarce parking availability in the area. He further added that the Village is losing business because of their parking limitation.

Mr. David Ivory, 25 Hess Street North was also opposed to this application on the basis of limited parking available in the area.

Mr. Howard Soar, 27 Hess Street South appeared before the Committee in opposition to this application on the basis of limited parking in the area.

A letter received from Mr. and Mrs. Rigby, 74 George Street dated 1987 August 5 in opposition to this application was received by the Committee.

ZA87-77 - East
Side of Hess
Street South,
between Main
Street West and
George Street

Planning and Development Committee

Wednesday, 1987 August 12

A letter from Mr. Michael Weinberg, 28 Orchard View Boulevard, Toronto dated 1987 August 6 opposing this application was also received by the Committee.

Considerable discussion ensued on this matter by the Committee, and it was then moved by Alderman Ross, seconded by the Mayor and carried to approve the following recommendation:

8. That APPROVAL be given to an amended Zoning Application ZA-87-77, for Hourigan Management Inc., prospective owner, for a change in zoning from "E-3" (High Density Multiple Dwellings District to "HI" (Civic Centre Protected) District and for a further modification to the established "HI" (Civic Centre Protected) District regulations, for property located on the east side of Hess Street South, between Main Street West and George Street, as shown on the attached map marked as APPENDIX "H" on the following basis:
 - (a) That the lands described as Block 1 be rezoned from "E-3" (High Density Multiple Dwellings) District to "HI" (Civic Centre Protected) District;
 - (b) That the "HI" (Civic Centre Protected) District regulations as contained in Section 15A of Zoning By-law No. 6593 applicable to the lands described as Blocks 1 and 2 be modified to include the following variances as special requirements:
 - (i) Notwithstanding Section 15A(1) a lodging house consisting of 96 rooms for the accommodation of elderly persons, of at least 55 years of age shall be permitted.
 - (ii) Notwithstanding Section 15A(2)(ii) no side yards shall be required for a building or structure up to a height of six storeys or 22.0 m.
 - (iii) Notwithstanding Section 18A Table 1.(K), a minimum of 27 parking spaces shall be provided;
 - (iv) Notwithstanding Section 18.A(10) the manoeuvring space for the required loading space shall be permitted in the access driveway;
 - (v) That Sections 18A(11)(a) and (b) and 18A(12)(a) and (b) shall not apply;
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1037, and that the subject lands on zoning District Map W-4 be notated S-1037;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4;
 - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Planning and Development Committee

Wednesday, 1987 August 12

NOTE: The purpose of the By-law is to provide for a change in zoning of the lands described as Block 1 on the attached map from "E-3" (High Density Multiple Dwellings) District to "HI" (Civic Centre Protected) District. In addition, the By-law will provide modifications to the "HI" (Civic Centre Protected) District regulations applicable to the lands described as Blocks 1 and 2 on the attached map as follows:

- | | |
|--|---|
| Section 15A(1) | to permit a lodging house consisting of 96 rooms for the accommodation of elderly persons, of at least 55 years of age, whereas an ordinary lodging house is not permitted; |
| Section 15A(2)(ii) | to permit "Ø" side yards, whereas side yards of 3.0 m are required for a building or structure above the height of four storeys or 17.0 m (55.7 ft.); |
| Section 18A Table 1(K) | to provide a minimum of 27 parking spaces whereas a minimum of 32 parking spaces are required. |
| Section 18A(10) | to permit the manoeuvring space for the required loading space to be provided in the access driveway which otherwise is not permitted. |
| Sections 18A(11)(a) & (b)
Sections 18A(12)(a) & (b) | to delete the required 1.5m wide landscaped planting strip and front yard setback from the street line of George Street for the surface parking and loading area adjoining lands within a residential district which otherwise would apply. |

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 10 respecting Zoning Application 87-53, Goodbram Investments Limited, owner, for property located at No. 1150 Upper James Street.

The Committee approved the following recommendation:

ZA87-53,
1150 Upper James
Street

Planning and Development Committee

Wednesday, 1987 August 12

That Zoning Application 87-53, Goodbram Investments Limited, owner, requesting a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District to permit the development of the subject lands for a one storey, 743.2m² (8,000 sq. ft.) office retail plaza for the property located at No. 1150 Upper James Street, as shown on the attached map marked as APPENDIX "I", be denied for the following reasons:

- (a) It is located within the limits of the property required for the approved future Upper James Street interchange and the East-West Transportation facility. Consequently, any development permitted within this roadway designation will seriously impact on the Region's construction of the Freeway.
- (b) It does not comply with the Region of Hamilton-Wentworth and the City of Hamilton Official Plans.

Site Plan Control
Application
DA87-42 -
200 Limeridge
Road West

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 21 respecting Site Plan Control Application DA-87-42 by Ed Robinson Properties Limited, owners, of lands located at 200 Limeridge Road West.

The Committee approved this Site Plan Control Application.

Site Plan
Control
Applications

The Committee was in receipt of Site Plan Control Applications for the following properties:

- (a) 101 Broadway Avenue
- (b) North west corner of Barton Street East and Kenilworth Avenue North
- (c) North Side of York Blvd., between Magill and Crook Streets
- (d) 28, 32, 34 and 40 Clapham Road
- (e) 2804-2810 King Street East
- (f) 1555 Upper Ottawa Street
- (g) 55 Unsworth Drive
- (h) West Side of Lancing Drive, south of Unsworth Drive

These applications were signed by the Chairman of the Planning and Development Committee and Aldermen of the Ward. The Committee then agreed to receive this report.

Draft Plan of
Subdivision,
-West End of
Kennedy Avenue
south of Rymal
Road West

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 29 respecting Draft Plan of Subdivision, Regional File No. 25T-87016, City of Hamilton File No. SA-87-13, to establish five lots for single family dwellings and a block for future park access for property at the west end of Kennedy Avenue, south of Rymal Road West.

Planning and Development Committee

Wednesday, 1987 August 12

The Committee approved the following recommendation:

- (a) That APPROVAL be given to Application SA-87-13, Thomas J. Cooper and Marjorie J. Cooper, owners, to establish a draft plan of subdivision at the west end of Kennedy Avenue south of Rymal Road West, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by Ashenhurst Nouwens Limited dated 1987 May 6, showing 5 lots and 1 block, revised by the widening of Block 6 to include 5% of the lands in the plan and a street rounding.
 - (ii) That the road allowance be dedicated as public highway on the final plan.
 - (iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (v) That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes, said conveyance to comprise of "Block 6".
 - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.
 - (viii) That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement.
 - (ix) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton, prior to the issuance of a final release by the City of Hamilton.
- (b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-13), Thomas J. Cooper and Marjorie J. Cooper, owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Planning and Development Committee

Wednesday, 1987 August 12

Proposed
Modifications
to the Hamilton-
Wentworth Official
Plan re:
Niagara
Escarpment
Plans

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 21 respecting Proposed Modifications to the Hamilton-Wentworth Official Plan by the Minister of Municipal Affairs to bring the Official Plan into conformity with the Niagara Escarpment Plans.

The Committee approved the following recommendation:

That the City Clerk inform the Regional Municipality of Hamilton-Wentworth, that the City of Hamilton does not object to the proposed modifications by the Minister of Municipal Affairs, to bring the Hamilton-Wentworth Official Plan into conformity with the Niagara Escarpment Plan.

NOTE: The Minister of Municipal Affairs has proposed modifications to the Hamilton-Wentworth Official Plan which would bring the Official Plan into conformity with the Niagara Escarpment Plan as required under the Niagara Escarpment Planning and Development Act. The proposed modifications do not conflict with the planning intentions of the City of Hamilton. Since the Niagara Escarpment Plan takes precedence over both the Hamilton-Wentworth and City of Hamilton Official Plans, the proposed modifications would not change the effect of the Niagara Escarpment Plan on the City of Hamilton.

A copy of the Minister's letter and the Proposed Amendments were presented to the Planning and Development Committee. Additional copies are available from the Acting Secretary.

Proposed Policies
for King Street
East, between
Nash Road
and Centennial
Parkway (Gershorne
and Greenford
Neighbourhoods)

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 30 respecting Proposed Policies for King Street East, between Nash Road and Centennial Parkway, (Gershorne and Greenford Neighbourhoods).

The Committee approved the following recommendation:

(a) That a public meeting be held to discuss:

(i) Proposed modifications to the Gershorne and Greenford Neighbourhood Plans, particularly the extension of a non-highway commercial designation to all parts of the study area within the City of Hamilton, except for the south-west corner of the King Street East/Centennial Parkway intersection. Such a designation would permit uses such as convenience stores and neighbourhood/community commercial development (such as offices, services, non-highway oriented retail, etc.) Highway commercial uses that have high parking requirements (such as fast food restaurants) or that generate a great deal of traffic (such as gas bars) would not be permitted.

(ii) Planning guidelines, such as the following:

1. front yard setbacks for new buildings be similar to existing ones;
2. generous landscaped areas be provided along the King Street East frontage;

Planning and Development Committee

Wednesday, 1987 August 12

3. parking areas or wide-open area of pavement should not dominate King Street East;
 4. free-standing signs be ground-oriented and not more than six feet high; and,
 5. buildings of historical or architectural importance and buildings which compliment the character of the area should be retained wherever possible.
- (iii) The design for the widening of King Street East should consider the protection and enhancement of the existing character of the area.
- (b) That the City of Stoney Creek:
- (i) be asked to review this report;
 - (ii) be invited to join with the City of Hamilton in generating policies for the appropriate development of the Study Area.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 4 respecting High Density Residential Development Study, Phase II.

It was agreed that this report be tabled.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 13 respecting a request of the Planning and Development Committee to solicit comments from owners of properties located on Burlington Street and on Industrial Drive to a proposed name change of Burlington Street to Industrial Drive.

Following considerable discussion on this matter, it was moved by Alderman Merling, seconded by Alderman Ross and carried to approve the following recommendation:

- (a) That the City of Hamilton retain the name of Burlington Street, and;
- (b) That the Regional Clerk be notified of Council's decision.

NOTE: Regional Council, at their meeting held 1986 November 4, referred a proposal to change the name of Hamilton's Burlington Street to Industrial Drive, to Hamilton City Council.

On 1986 December 10th, the Planning and Development Committee directed staff to solicit comments on this proposal from affected property owners.

High Density
Residential
Development Study
Phase III

Proposed Names
Change of
Burlington Street
to Industrial
Drive

Planning and Development Committee

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In response to 684 notices that were sent out to affected property owners on 1987 May 8th, 6 were in favour of the proposal, 28 were opposed and 16 notices were returned. This response represents about 5% of the notification.

Based on the response received, the Planning Department has recommended, and the Planning and Development Committee has concurred, that the City of Hamilton retain the name of Burlington Street.

Note: Alderman Christopherson opposed.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 4 respecting a requested walkway closure between Cranbrook Drive and Greyfriar Drive, Gilkinson Neighbourhood.

The Committee then approved the following recommendation:

That owners and tenants of the area be invited to a public meeting of the Planning and Development Committee to discuss the requested closure of the walkway.

Note: The owner of 265 Cranbrook Drive in the Gilkinson Neighbourhood has applied to the Regional Department of Transportation for the closure of the existing walkway.

The Committee was in receipt of a resolution which was forwarded from City Council to the Planning and Development Committee as follows:

- (a) That, as a point of occupancy of a dwelling in a new subdivision, the builder or developer be required to comply with the finished grading, weather permitting. If the grading does not comply the City of Hamilton give the builder or developer seven (7) days to comply. Failing that the City of Hamilton will correct the grading inequities and bill the developer or builder, and
- (b) That the resolution of Alderman Gallagher dealing with finished grading in new subdivisions be referred to the Planning and Development Committee.

Alderman Merling addressed the Committee on this resolution and numerous residents being affected by this problem were in attendance at the meeting.

One of the homeowners in Randall Estates indicated to the Committee that he is losing his land by the grading problems and requested that some action be taken on the City in order to resolve these problems. He advised that he is not in attendance to be vindictive against the developer and showed the Committee various pictures of the Randall Phase III survey. He added that these surveys are being developed consequentially one after the other without finishing the problems in the area previously worked on.

Mr. George Barclay, Home Builders Association was in attendance at the meeting. He indicated to the Committee that there are bad developers and agrees with a Task Force being set up to address ways of alleviating the problems. He added that enforcement is necessary to make the system work.

Walkway Closure
between Cranbrook
Drive and
Greyfriar Drive

Resolution re:
Retaining Walls,
Grading, etc.

Planning and Development Committee

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Some discussion ensued on the staffing that would be required to enforce any by-law that the City passes respecting retaining walls and grading.

It was then moved by Alderman Merling, seconded by Alderman Ross and carried that a ten member Task Force be set up of staff, politicians, builders, homeowners, developers in order to present recommendations to the Planning and Development Committee as soon as possible in order to alleviate the problems being experienced by homeowners.

It was agreed that Alderman Merling should be the Chairman of that Task Force.

The Committee was in receipt of a report from the Department of Engineering dated 1987 July 8 respecting Nash Orchard Heights West, Hamilton (5% Parkland Dedication).

Nash Orchard
Heights West
(5% Parkland
Dedication)

The Committee approved the following recommendation:

- (a) That the Corporation of the City of Hamilton acknowledge that the Developer is transferring a total of 1,805.07m² of parklands and open space lands, as partial fulfillment of the 5% Parkland dedication requirement for the "Nash Orchard Heights West" subdivision, and
- (b) That the City subdivision agreement for "Nash Orchard Heights West" make provisions to hold securities totalling \$110 000.00, being the market value of the remaining portion of the 5% Parkland dedication requirement which is 1,540.28m². The said securities to be held until 1990. At that time the Developer will either transfer to the City lands equal to the deficient parkland area of 1,540.28m² or make a cash payment of \$110 000.00 in lieu of dedicating the said lands.

NOTE: The Developer has an option to purchase the "Nash Orchard Heights South" plan of subdivision which he hopes to develop in 1990.

The Committee was in receipt of an information report from the Department of Engineering dated 1987 July 7 respecting connection of roof leaders to storm sewers.

Connection of
Roof Leaders to
Storm Sewers

The Committee agreed to table this matter to the September 16th meeting.

The Committee was in receipt of a report from the City Solicitor dated 1987 July 23 respecting hiring an Outside Planning Consultant.

Hiring Outside
Planning
Consultant re:
ZA86-113

It was moved by Alderman Ross, seconded by Alderman Cooke and carried to approve the following recommendation:

That the City Solicitor be authorized and directed to hire an outside Planning Consultant to give evidence at the Ontario Municipal Board Hearing in support of City Council's denial of ZA-86-113, to rezone the property at No. 828 Fennell Avenue East from "C" to "H", as set out in Item 8 of the 8th Report of the Planning and Development Committee, adopted by Council on 1987 April 28.

Planning and Development Committee

Wednesday, 1987 August 12

Butler et al vs.
City/Architect's
fees re:
Library
Farmer's Market

The Committee was in receipt of a report from the City Solicitor dated 1987 August 11 respecting Butler et al. vs. City/Architect's fees re: Library Farmer's Market.

The Committee approved the following recommendation:

That the interim account of Weir and Foulds, Barrister and Solicitors, dated 1987 July 27, in the amount of \$2 128.50 for fees and \$86.57 for disbursements for a total of \$2 215.07 be paid.

NOTE: This account covers services from 1987 April 4 to 1987 June 29.

This involves a Supreme Court of Ontario action by the architects of the Hamilton Central Library and Farmers' Market for further fees and interest in the amount of some \$600 000.00.

By adopting Section 20 of the Twenty-Fifth Report of the Planning and Development Committee at its meetings of 1985 September 24, City Council approved that the firm of Weir and Foulds, Barristers and Solicitors be retained under the direction of the City Solicitor to act for the City. Examinations for Discovery are presently taking place.

Flags on the
Convention
Centre

Mayor Morrow addressed the Committee on his recommendation that flags be placed along the King Street wall of the Hamilton Convention Centre.

The Committee then approved the following recommendation:

That the Provincial Minister of Government Services be requested to display the Canadian, Provincial, Regional and Municipal flags, in a continuous, consecutive and close proximity fashion, along the King Street wall of the Hamilton Convention Centre.

Release of
Holdback

The Committee was in receipt of a report from the Treasurer dated 1987 July 22 respecting Release of Holdback.

The Committee then approved the following recommendation:

That total holdback in the amount of \$88 712.27 be released to Delta Ready Mix Limited for the substantial performance of the contract, P. O. 23340, for road and sidewalk reconstruction for the Downtown Action Plan Phase IIIB pending receipt by the Treasury Department of the necessary release forms from the Contractor and the City Solicitor's Department.

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved,

S. K. Reeder
Acting Secretary

ALDERMAN J. SMITH, CHAIRMAN
PLANNING & DEVELOPMENT COMMITTEE

F O R A C T I O N

3(a)
(i) - (iv)

FROM Paul Kuppe, P.Eng.

DATE September 3, 1987

TO John Thompson

Refer To File No. 87.1.1.A

Attention Of _____

Your File No. _____

SUBJECT

Demolition

RECOMMENDATION

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following residential buildings.

BACKGROUND

1. 551 John Street North
2. 312 Bold Street
3. 538 Barnaby Street
4. 429 Kenilworth Avenue North

BUILDING DEPARTMENT

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF

LAND IS PERMITTED BY PRESENT ZONING

DATE:

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	ZONE	RECOMMENDATION
1.	551 John Street North	S.F.D.	S.F.D.	33.92 x 158.71	D	It is recommended that the committee approve demolition.
2.	312 Bold Street	S.F.D.	S.F.D. or Two Family	55 x 100	D	"
3.	538 Barnaby	S.F.D.	S.F.D.	46.5 x 105	C	"

PETER C. LAMPMAN, P. ENG.,
DIRECTOR OF PLAN EXAMINATION



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

Date: September 3, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION APPLICATION

CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED
BUT IS UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL
PROPERTY.

Map: E 52

Zone: H

Lot Size: 22.33' x 70.0'

ADDRESS: 429 Kenilworth Avenue North

PRESENT USE: Single Family Dwelling


PROPOSED USE: Car Lot (future use)

OWNER: Lorne Fowler

COMMENTS:

RECOMMENDATION: It is recommended that the Committee approve
demolition.

RD/ggf
(1343D)


PAUL KUPPE, P.Eng.
Building Commissioner

3(b)

F O R A C T I O N

FROM: Mr. Paul Kuppe, Building Commissioner DATE: September 3rd, 1987
TO: Planning and Development Committee Refer to File No. 87.2.4.2.1.
Attention of: Mr. B.D. Allick

SUBJECT:

Prioritization of Workload

RECOMMENDATIONS:

1. That permits issued for replacement hot water heaters and furnaces, etc. be inspected on a random basis. To start with, we will inspect 10% of the permits issued.
2. That the response time to complaints be extended.
3. That no response be made to complaints regarding long grass and weeds.
4. That the practice of inspecting properties on either side of a complaint property be suspended.

BACKGROUND:

As you will recall, the Committee at their meeting of August 18th, dealt with the attached Resolution which recommended that the Building Department not control retaining walls in subdivisions. The Committee requested that the Building Department review its priorities with the effect of controlling retaining walls and cutting services elsewhere..

As advised in our report of June 18th, 1987 to the Planning and Development Committee, a Building Inspector's time is dedicated to new construction which involves the mandatory inspections of new construction required by Provincial statute. Service to the construction industry is suffering. The response time to complaints, property standards enforcement and zoning enforcement must take a secondary position to our responsibilities regarding new construction.

The present workload together with the additional responsibilities incurred by the introduction of The Rental Housing Protection Act and An Act to Provide for the Regulation of Rents Charged for Rental Units in Residential Complexes, creates a situation where the Department is no longer able to maintain inspection service at levels previously enjoyed.

Further, the property owners' response to Provincial funding for the renovation of buildings has further increased demands on inspection time and requires overtime to meet the demand.

The additional responsibilities directed by this Committee contained in its 15th Report, Item 16, which was passed by City Council at its meeting of July 28th, 1987 could be accommodated with the approval of the above recommendations. (Item 16 attached)

It should be recognized that if additional inspections are required for establishment licence applications due to concerns raised by the City Solicitor and the Licence Administrator or any other activity as requested, further reductions in service may be suggested.

IMPACT OF RECOMMENDATIONS

1. Inspections on a Random Basis

First it should be noted that with the present workloads, this Department does not have the resources to actively pursue these type of projects (i.e. furnace and water heater replacements), which are proceeding without permits.

The reduction of inspections to 10% of permits issued, will have an adverse impact, but since this type of work is somewhat routine, the impact will be less here than in other areas of construction. However there is a possibility that there may be a profusion of incorrect installations of hot water heaters and furnaces.

2. Response Time to Complaints be Extended

Complaints of a non-serious nature will receive low priority and will result in delays of up to 6 weeks. A delay in response time will result in a delay in the enforcement of by-laws and the resolution of the complaints submitted, and consequently the citizens of Hamilton will be voicing their dissatisfaction with the service to the elected officials.

3. Complaints Regarding Long Grass and Weeds

Where noxious weeds are of prime concern, complaints will be forwarded to the Department of Public Works for their action. This action becomes effective when the Weed Control By-Law comes in force. However, weeds of a non-noxious nature, which cannot be dealt with under the Weed Control By-Law may deteriorate the aesthetic value of the streetscape.

4. Inspections of Properties on Either Side

Vindictive complaints may be received, generated by neighbours. The wishes of the Task Force on Derelict Buildings through the Planning and Development Committee approved by City Council on September 22nd, 1983, that properties on either side of the property undergoing property standards enforcement should be inspected on the exterior would be frustrated.

Attachment

16. That the policy established in Item 20 of the 17-84 report of the Transport and Environment Committee be rescinded and the following substituted:

- (a) The City of Hamilton control retaining walls over 1m in height in residential subdivisions during construction of the houses in a plan of subdivision.
- (b) The Building Department shall be responsible for the approval of the walls.
- (c) The walls exceeding 1m in height and not subject to the Building Code shall be designed in accordance with the Ontario Building Code.
- (d) The City Solicitor be directed to make the necessary changes to the subdivision agreement.

NOTE: The effect is that all walls over 1m in height will be controlled for initial construction by the Building Department as opposed to the Department of Engineering and the walls will be designed in accordance with the requirements of the Ontario Building Code.

F O R A C T I O N

Paul Kuppe, P.Eng.
FROM Building Commissioner DATE June 18, 1987
TO Planning & Development Refer to File No. _____
Attention Of _____
Your File No. _____

SUBJECT

Staffing in the Building Department

RECOMMENDATION

That the present staff level of the Building Department be increased by:

Four Building Inspectors
Four Zoning Examiners and Code Correlators
Four Stenographer III's

and further

One Steno II position be reclassified to a Steno I
One Building Engineer be reclassified to a Chief
Building Engineer.

The budget of the Building Department be increased by \$284,000. effective immediately.

The Finance Committee should be requested to recommend the method of financing.

The Building Department's 1987 revenue estimates are hereby increased by \$300,000.

BACKGROUND

1. Zoning Verifications

The Department is experiencing a backlog in the issuance of zoning verifications. As of the end of May, the Department had already issued \$74,000 worth of zoning verifications, whereas we had anticipated total revenues of \$83,000.

Continued...2

Manpower has been taken from Plan Examination to relieve the pressure which has led to delays in the issuance of building permits as per Item 3 below.

The Department has also established a policy whereby we only deal with telephone inquiries regarding zoning between the hours of 11:00 a.m. to 12:00 noon and 4:00 p.m. to 5:00 p.m. This has been done in order to make more efficient use of the Zoning Examiner's time. This is a decrease in service to the public which has in itself generated a number of complaints.

2. Property Reports

There is also a backlog in the issuance of property reports. As of the end of May, the Department has issued \$106,000 worth of property reports whereas the Department had projected total revenues of \$115,000.

3. Building Permits

We are also experiencing an unacceptable backlog in the issuance of building permits. The above problems have taken place due to the tremendous increase in activity generated in the private sector. The Department, in response to the demand, has placed Zoning Examiners, House Plan Examiners, Building Inspectors, and other related clerical staff on overtime to accommodate the workloads. The delays, however, have continued to grow.

Within the Department, there are problems in other areas. A backlog is developing in the filing which is starting to have an adverse impact on the efficiency of the Department. It will effect issuance of building permits, property reports, and zoning verifications.

To accommodate the above increased workloads, four additional Stenographer III's will be required as well as four Zoning Examiners and Code Correlators. Changes in responsibilities have been, and will be necessary, to allow the continued efficient operation of the Department. For these reasons, we are recommending that one Building Engineer position be reclassified to Chief Building Engineer. Also, one Stenographer II position should be reclassified to a Stenographer I position.

The tremendous increase in construction activity has meant that the Building Inspector's time has to be dedicated to new construction. The Department has been making every effort to carry out required inspections, however, the service is suffering. Response time to complaints regarding Property Standards or Zoning have had to take a backseat to our responsibilities respecting new construction.

In order to accommodate the increased activity in construction and to provide the service in other areas which is expected of us, we are recommending that four additional Building Inspectors be hired.

Budget

Inspections

Wages and Benefits	\$ 16,000.00
Vehicles (Purchase Price)	8,000.00
Car Rental (\$87.73/week)	- 2,280.98
Safety Equipment	200.00

TOTAL PER INSPECTOR	\$ 26,480.98
 Total Cost for Staff (four Inspectors)	105,923.92
Accommodation (for four Inspectors) i.e. furnishings, etc.	8,000.00
 TOTAL COST OF #1 PACKAGE	<u>\$113,923.92</u>

Budget

Zoning, Property Reports, Plan Examination

Based on the requirements as discussed in the proposals, the total cost to provide this package for six months is as follows:

Stenographer III's (6 months)	4 @ \$11,438	\$ 45,752
Zoning & Code Correlators (6 months)	4 @ \$19,495	77,980
Chief Engineer - 10% increase in salary (6 months)	-	2,350
Stenographer II to Stenographer I (Reclassification)	-	<u>790</u>
	TOTAL SALARIES	<u>\$126,872</u>
Other Costs - 8 work stations @ \$2,000 each		\$ 16,000
- 2 typewriters @ \$1,000 each		2,000
- 1 word processing printer/ work station @ \$2,000 per month		<u>12,000</u>
TOTAL COST OF #2 PACKAGE		<u>\$156,872</u>
 GRAND TOTAL OF BOTH PACKAGES		<u>\$270,795</u>

Accommodation for the additional staff can be provided with the anticipated takeover of the area now occupied by the Community Development Department.

Revenue

Due to the increased activity of the Department, as outlined above, we are increasing the estimate for Revenue by \$300,000.

FROM Department of Engineering DATE July 7, 1987
TO Planning and Development Committee Refer to File No. E200-01
Attention Of K. A. Brenner
Your File No. _____

SUBJECT

Connection of roof leaders to storm sewers.

BACKGROUND

Your Committee directed the Engineering Department in June to report to your Committee on the matter of roof leader connections. The following are our comments.

The Ontario Building Code, which is applicable to the construction of buildings in Hamilton, does not require the installation of eavetroughs.

The Region's sewer by-law does not deal with the subject because it is a Area Municipality responsibility.

The City of Hamilton By-laws do not require the connection to a storm sewer. The Health By-law, which states that an area must be drained, was taken by some people as requiring the connection of roof leaders to the storm sewer, which is not the case.

The result of the above legislation is that a land owner may install eavestroughs and may connect them to a Regional storm sewer.

The above described arrangement is reasonable because it permits owners to discharge roof water onto the ground to reduce overloading of sewers and possible basement flooding, while generally not causing a problem to the abutting land owners. The erosion problem occurring during construction can be resolved by various means if necessary.

The City could likely pass a by-law requiring all roof leaders to be connected to storm sewers. This however, would, in our opinion, not be desirable for the following reasons:

It would be a nuisance to enforce on garages and other small buildings.

It would be most unreasonable to force a land owner in a combined sewer area to connect his roof water to the sewer and thereby increase the amount of basement flooding in his own basement if his building is located in a flood prone area.

Cont'd.....

Connection of roof leaders to storm sewers

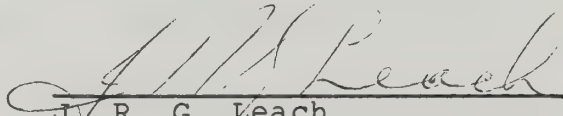
Cont'd.....

The City undertook, at the request of the Conservation Authority, a few years ago a study which was adopted by the City. One of the recommendations in the study was not to force owners to connect roof leaders to the storm sewers. This recommendation was based on the Authorities desire to reduce erosion in Red Hill Creek.

Lastly, but the most important reason, is that as the development in the City spreads to the Twenty Mile Creek and Ancaster Creek watersheds, the City will have to concern itself with reducing the storm water run-off peaks. Up to now the City had the fortune and the foresight to purchase the entire valleys for storm water run-off and use the harbour and lake as a buffer. This luxury will not be available in the other areas. One of the techniques to reduce the peak flows is to discharge roof leaders to grassed areas.

CONCLUSION

The present requirement, which is flexible and gives the owners a chance to connect or not is reasonable considering the existing and proposed development in Hamilton.


J. R. G. Leach
Commissioner of Engineering

KAB:cc

5a

FOR ACTION

E. W. Kowalski, Director

FROM Department of Community Development

DATE 1987 September 01

TO Planning and Development Committee

800-0300

Refer To File No. 800-0016.3

Attention Of _____

Your File No. _____

SUBJECT

Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.).

RECOMMENDATION

That the attached thirteen (13) O.H.R.P. applications and eleven (11) H.A.R.P. applications be submitted to City Council for approval, authorizing the Department of Community Development to process grants/loans in the amount not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme (O.H.R.P.) and pursuant to By-law 78-113 for the Hamilton Rehabilitation Programme (H.A.R.P.).

BACKGROUND

With respect to the Ontario Home Renewal Programme, attached is a list of thirteen (13) applicants whose applications are currently being processed for grants and/or loans pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applicants to date under the Ontario Home Renewal Programme is three thousand eight hundred and eighteen (3,818).

With respect to the Hamilton Rehabilitation Programme, attached is a list of eleven (11) applicants whose applications are currently being processed for a loan pursuant to By-law 78-113.

For the information of the members of the Committee, the total number of applicants to date under the Hamilton Rehabilitation Programme is three hundred and thirty (330).

Planning and Development
Committee

Ontario Home Renewal Programme

1. R. Myers
147 Garside Avenue North
2. C. Wing
102 Ewen Road
3. P. Walters
162 West 33rd Street
4. P. Zimmerman
361 East 23rd Street
5. A. Flis
161 Charlotte Street
6. R. Reilly
221 Grace Avenue
7. L. Robinson
106 Edith Avenue
8. J. Alexander
241 Tragina Ave. North
9. M. Bertram
12 David Avenue
10. H. Sutherland
50 Kensington South
11. M. Woods
147 Tolton Ave.
12. L. Misener
631 Queensdale Ave. East
13. B. Suttie
67 Barons Avenue North

Planning and Development
Committee

Hamilton Rehabilitation Programme

1. M. Pielich
204 Grosvenor Avenue North
2. A. Samotulka
23 Province St. North
3. R. Martin
401 Dundurn Street South
4. N. Zubko
91 Princess Street
5. B. Baran
211 Aberdeen Avenue
6. M. Marcoux
130 Juanita Drive
7. A. Bishop
1751 Barton Street East
8. G. Henderson
117 East 9th Street
9. V. Vaccarello
166 Magnolia Drive
10. M. House
69 Herkimer St., #203
11. J. Gillis
25 East 25th Street

5(b)(1)

F O R A C T I O N

FROM E. W. Kowalski, Director
Department of Community Development

DATE 1987 September 09

TO Planning and Development Committee

Refer To File No. SLL #2

Attention Of _____

Your File No. _____

SUBJECT

Second Level Lodging Home Rehabilitation Programme

RECOMMENDATION

That a loan increase in the amount of \$4,967. be approved for Michael and John Job, owners of a Second Level Lodging Home at 849 Main Street East. The total loan would now be \$27,680.

BACKGROUND

The Department of Community Development wishes to advise that additional work was deemed necessary at the above mentioned Second Level Lodging Home, at an increased cost of \$4,967. This increase has been approved by the Building Department as an eligible item under the Programme.

The Planning and Development Committee previously approved a loan for Michael and John Job on 1986 December 10, in the amount of \$22,713. City Council subsequently approved the application on 1987 January 13.

For the information of the Committee, the interest rate under the subject Programme is three (3) percent amortized over a ten year period.

5(b)(ii)

F O R A C T I O N

FROM E. W. Kowalski, Director
Department of Community Development

DATE 1987 September 09

TO Planning and Development Committee

Refer To File No. SLL #3

Attention Of _____

Your File No. _____

SUBJECT

Second Level Lodging Home Rehabilitation Programme

RECOMMENDATION

That a loan increase in the amount of \$5,775. be approved for John Job, owner of a Second Level Lodging Home at 169 Delaware Avenue. The total loan would now be \$18,831.

BACKGROUND

The Department of Community Development wishes to advise that additional work was deemed necessary at the above mentioned Second Level Lodging Home, at an increased cost of \$5,775. This increase has been approved by the Building Department as an eligible item under the Programme.

The Planning and Development Committee previously approved a loan for Mr. Job on 1986 December 10, in the amount of \$13,056. City Council subsequently approved the application on 1987 January 13.

For the information of the Committee, the interest rate under the subject Programme is three (3) percent amortized over a ten year period.

FOR ACTION

5(c)
(i) - (ii)

FROM E. W. Kowalski, Director
Department of Community Development

TO Planning and Development Committee

DATE 1987 September 01

Refer To File No. Facade #21

Attention Of _____

Your File No. _____

SUBJECT

Commercial Facade Loan Programme

RECOMMENDATION

That a Commercial Facade Loan in the amount of \$40,000. be approved for Panzex Montreal Incorporated, owners of 1 and 3 King Street East and 2 James Street North. The interest rate will be 4.5 percent, amortized over 10 years.

BACKGROUND

The owners of 1 and 3 King Street East, and 2 James Street North, have applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property as per the Property Standards By-law 74-74, and the necessary repairs have been included in the contract price.

The Downtown Promenade Business Improvement Area have reviewed the plans and have approved the work which is to be undertaken by the owner, Panzex Montreal Incorporated.

The Department of Community Development, therefore, recommends the approval of a Commercial Facade Loan to Panzex Montreal Incorporated for improvements to 1 and 3 King Street East and 2 James Street North in the amount of \$40,000. The loan will be amortized over a ten year period at 4.5 percent interest. The monthly payment will be \$414.62, and will be secured by a Promissory Note and a Lien registered on Title.

The Local Architectural Conservation & Advisory Committee (L.A.C.A.C.) have reviewed this matter and have indicated their support.

FOR ACTION

5(c)
(iii)

FROM E. W. Kowalski, Director
Department of Community Development

DATE 1987 September 09

TO Planning and Development Committee

Refer To File No. Facade #5

Attention Of _____

Your File No. _____

SUBJECT

Commercial Facade Loan Programme

RECOMMENDATION

That a Commercial Facade Loan in the amount of \$15,000. be approved for Mr. A. DiSiena, 253 James Street North. The interest rate will be 4.5%, amortized over 10 years.

BACKGROUND

The owner of 253 James Street North has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property as per the Property Standards By-law 74-74, and the necessary repairs have been included in the contract price.

The James Street North Business Improvement Area (B.I.A.) have reviewed the plans and have approved the work which is to be undertaken by the owner, Mr. A. DiSiena. (A copy of their approval is attached).

L.A.C.A.C. has not approved Mr. DiSiena's application in its entirety. A copy of their letter is also attached. L.A.C.A.C. does not approve the installation of angelstone.

The Department of Community Development however recommends the approval of a Commercial Facade Loan to Mr. A. DiSiena for improvements to 253 James Street North in the amount of \$15,000. The loan will be amortized over a 10 year period at 4.5% interest. The monthly payment will be \$155.48 and will be secured by a Promissory Note and a Lien registered on Title.

MEMORANDUM • CITY OF HAMILTON

TO Mr. V.J. Abraham
Director of Local Planning

YOUR FILE :

FROM L.: Peddle, Secretary
L.A.C.A.C.

OUR FILE :

SUBJECT :
253 James Street North - Listed Building

DATE :
1987 July 30

L.A.C.A.C. at its meeting held 1987 July 27 agreed not to support the application for funding to reface the front of 253 James Street North with green anglestone.

The Committee did, however, unanimously agree to support the restoration of the original brick.

L. Peddle

LP/jc

c.c. Ms. Nina Chapple, Planning Department
Mr. J. Robinson, Community Development Dept.

3. 11 V
August 4/87
800-0002.5 800-0225
8/9/25
FILE *OK*
87/5/5 *11*
12/15



September 2, 1987

J. H. Robinson
Co-ordinator Housing Loans
Department of Community Development
City Hall

Mr. Robinson,

The Jamesville BIA Board of Management has reviewed the application of Mr. Andrea Disiena of the Bar Adriatico at 253 James St. N. (facade #5).

The Streetscaping Committee and the Board of Management recommend that this application be approved by the Community Development Department and City Council.

Yours Truly,

Leo Bornstein Chairman
Streetscape Committee

c.c. Mr. Andrea Disiena

Sept 4/87
800-0014-2
825-22
87/9/4
JH
JH
JH

5d

FOR ACTION

FROM E. W. Kowalski, Director
Department of Community Development

DATE 1987 September 10

TO Planning and Development Committee

Refer To File No. 800-0317

Attention Of _____

Your File No. _____

SUBJECT

Provincial Government's Low-Rise Program

RECOMMENDATION

That the Department of Community Development be directed to apply to the Ministry of Housing for a further unit allocation of 300 for the balance of the Provincial fiscal year ending March 31, 1988.

That the Department of Community Development be directed to apply to the Ministry of Housing for the following allocations:

April 1, 1988 to March 31, 1989 - 500 units

April 1, 1989 to March 31, 1990 - 500 units

E. Kowalski

BACKGROUND

The Department of Community Development, in a report dated 1986 January 28, requested to make application for a minimum of 500 units under the Provincial Low-Rise Program. The Province subsequently allocated the City of Hamilton 1000 units, which was the largest allocation granted in the Province. This allocation was for the fiscal year ending 1987 March 31. The City encountered problems in committing the initial allocation as it was by other municipalities throughout Ontario because of lack of inspections and need for greater participation by general contractors. The City has addressed the inspection problem by authorizing additional inspection time to take care of the application backlog. The Department is attempting to expand its list of contractors interested in participating in various programmes and it is hoped owners will soon find it easier to obtain estimates.

Planning and Development
Committee

BACKGROUND (Continued)

The Province subsequently advised all municipalities that the initial allocation would be extended until March of 1988, and if additional allocations were needed during that interval, a separate increase would have to be made to the Province. The Department of Community Development anticipates that we will require a further allocation of 300 units to meet the demand until March 31, 1988. The Province has also requested a projection for the balance of the Program which is slated to be completed in 1990. There is some discussion that the Program may be continued because of it's popularity with both owners and municipal officials.

The Department of Community Development has committed approximately 700 units to date and it is anticipated that the balance of the allocation will be committed by December. We have discussed the projection with the Building Department and they have agreed that the figures which we presently propose are reasonable, and pending unforeseen circumstances will be able to meet the demand with existing staff.

The Department therefore recommends that we be directed to apply to the Ministry of Housing for a further unit allocation of 300 for the balance of the Provincial fiscal year ending March 31, 1988, and 500 units for the Provincial fiscal year 1988.

FOR ACTION

5e.

FROM E. W. Kowalski, Director
Community Development Department

TO Planning & Development Department

DATE 1987 August 31

Refer To File No. 800-0608
800-0609

Attention Of _____

Your File No. _____

SUBJECT

Project PRIDE (Programme for Renewal, Improvement, Development and Economic Revitalization) Crown Point West/Stipeley Neighbourhood.

RECOMMENDATION

- i) That, the Planning and Development Committee recommend to the Executive Committee that the Crown Point West/Stipeley PRIDE Programme be proceeded with at an estimated gross cost of eight hundred thousand dollars (\$800,000) as referenced in the 1987 portion of the 1987-1991 Capital Budget as Project Number E38005;
- Note: Originally, the City of Hamilton applied for one and one-half million dollars for the Crown Point West/Stipeley PRIDE. Since it has only been allocated four hundred thousand dollars, a total of eight hundred thousand dollars is available for implementation. (50% Municipal dollars, 50% Provincial funding)
- ii) That, the Treasurer be requested to recommend to the Executive Committee, the amount and source of funds to be provided for this Capital Project, the Municipality's share being \$400,000; and,
- iii) That the interim funding for the cost of drawings, public meetings, administration, preparation of Community Improvement Plan, surveys, preparation of tender specifications and fees for Crown Point West/Stipeley PRIDE in the amount of \$50,000 be approved, pending Ontario Municipal Board approval as referenced in ii) above; and,
- iv) That, the Treasurer recommend to the Executive Committee, the method of funding for the \$50,000 referenced in iii) above; and,
- v) That, City Council advise the Minister of Municipal Affairs of its intention to utilize the Provincial allocation of \$400,000 for Phase I of the Crown Point West/Stipeley PRIDE; and,

- vi) That, City Council authorize the Department of Community Development to proceed with the Project in two phases;

Note: The first phase would address mostly residential concerns possibly including priority one park, buffering to railway lines and other manufacturing land uses from residential areas, and the second phase would implement improvements to the industrial and commercial areas.); and,

- vii) That, the Department of Community Development be authorized to reapply for Provincial funding under the PRIDE programme for Phase II of the Crown Point West/Stipeley project for 1988-89 at an estimated cost of \$1,000,000.

BACKGROUND

In January of this year, at the request of City Council, the Department of Community Development applied for Provincial funding for the Programme for Renewal, Implementation, Development and Economic Revitalization (PRIDE) for the Crown Point West and a section of the Stipeley Neighbourhoods. Subsequently, a letter dated 1987 July 30, from the Honourable Bernard Frandmaitre, Minister of Municipal Affairs, approved a Provincial contribution of four hundred thousand dollars (\$400,000).

The Crown Point West/Stipeley PRIDE costs were originally estimated in the Capital Budget 1987-1991, Number E38005 and E37005 with a Provincial subsidy of one million, five hundred thousand dollars (\$1,500,000.), fifty percent (50%) Provincial and fifty percent (50%) Municipal, totalling three million dollars (\$3,000,000.). Due to limited Provincial funds available, the City of Hamilton will receive four hundred thousand dollars (\$400,000.) from the Province for a total of eight hundred thousand dollars (\$800,000.) to address residential, commercial and industrial concerns. To effectively implement the programme, the Department of Community Development recommends a phasing schedule for this project, where fifty thousand dollars (\$50,000.) will be spent in 1987, (for planning, detailed design drawings and surveys), seven hundred and fifty thousand dollars (\$750,000.) will be implemented in 1988-90 (for residential, recreational, park improvements) and the City will reapply for funding to continue with the final phase to complete the project.

Implementation of the PRIDE project will occur from 1987-1990, therefore, initial planning, public meetings, Ontario Municipal Board approval, etc. should occur in 1987 and the early part of 1988.

- cc: Mr. J. Schatz, Secretary
Executive Committee
- cc: Mr. K.A. Rouff, City Solicitor
Attention: Mr. P. Eker, Solicitor
- cc: Mr. E.C. Matthews, Treasurer
Attention: Mr. B. Hotrum, Treasury Officer
- cc: Mr. E. C. Matthews, Treasurer
Attention: Mr. B. Hill, Urban Renewal Clerk

F O R A C T I O N

5 (f)

FROM E. W. Kowalski, Director
Community Development Department

DATE 1987 September 11

TO Planning & Development Committee

Refer To File No. 32-0001

Attention Of _____

Your File No. _____

SUBJECT

1988-1992 Capital Budget

RECOMMENDATION

That the attached Capital Budget projects of the Department of Community Development included in the Capital Budget Programme 1988-1992 be approved.

BACKGROUND

N/A

CONTROL 0 MUNICIPAL GENERAL

CAPITAL BUDGET PROGRAM 1987 - 1991
ESTIMATED SCHEDULE OF COST AND FINANCING OF PROJECTS
AS AT JUL 10, 1987
(1000'S)

PRGPT102
PAGE 27

SECTION 07 PLANNING AND DEVELOPMENT

SUB-SECTION 072 COMMUNITY DEVELOPMENT DEPARTMENT

CODING

PROJECT DESCRIPTIONS

PROJECT STRIP FIN

GROSS COST

SUBSIDIES & PREVIOUSLY OBTAINED

OTHER RECEIPT AMOUNT CODE

REQUIRED 1987-1988-1989-1990-1991

AUTHOR ANALYSIS OF REQUIREMENTS

1987 1988 1989 1990 1991

STREETSCAPE-YORK
EDULEVARD, MACNAB
STREET/JAMES STREET

1987 1987

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100 RCP

100 RCP

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1 037004

ONTARIO NEIGHBOURHOOD IMPROVEMENT PROGRAM

1987 1990

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ONTARIO NEIGHBOURHOOD IMPROVEMENT PROGRAM

1987 1990

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3 87-05-12

CURKIOW/STINSON ANNUAL OPERATING COSTS-\$17,300

1988 1991

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ONTARIO NEIGHBOURHOOD IMPROVEMENT PROGRAM

1988 1991

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CURKIOW/STINSON ANNUAL OPERATING COSTS-\$12,000

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ONTARIO NEIGHBOURHOOD IMPROVEMENT PROGRAM

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CURKIOW/STINSON ANNUAL OPERATING COSTS-\$10,000

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CURKIOW/STINSON ANNUAL OPERATING COSTS-\$10,000

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CURKIOW/STINSON ANNUAL OPERATING COSTS-\$10,000

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ONTARIO NEIGHBOURHOOD IMPROVEMENT PROGRAM

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PAGE 26
NUMBER

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City of Hamilton
Treasury

1988-1992 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD Community Development
2. (a) PROJECT NUMBER _____
(b) PROJECT NAME Industrial Revitalization Programme
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.
Funding to provide for the renewal of infrastructure, hard services and limited acquisition in Hamilton's industrial areas including the provision of improved buffer treatment between existing industrial and residential areas, thereby making it beneficial for existing to remain and expand and encouraging new industries to locate in Hamilton. The programme is designed to address Industrial, Residential, and (over)
4. (a) PROJECT STARTING DATE Originally 1987; new start 1988
(b) PROJECT FINISHING DATE 1990 (same as previous)
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED 1988
5. (a) GROSS COST OF PROJECT \$ 2,000,000
(b) SUBSIDIES AND OTHER RECEIPTS \$ 1,000,000 Ministry of Municipal Affair
(c) CITY'S COST \$ 1,000,000
- | | | NO. OF PERSON
YEARS CREATED |
|--|-------------------|--------------------------------|
| 6. (a) YEAR OF EXPENDITURE - 1988 | \$ <u>100,000</u> | <u>3</u> |
| - 1989 | \$ <u>900,000</u> | <u>27</u> |
| - 1990 | \$ _____ | _____ |
| - 1991 | \$ _____ | _____ |
| - 1992 | \$ _____ | _____ |
| - 1993 AND AFTER | \$ _____ | _____ |
| (b) TOTAL NUMBER OF PERSON YEARS CREATED | | <u>30</u> |
| 7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT | <u>100</u> | |
| 8. ANNUAL OPERATING COST | | \$ _____ |
| 9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE OR CITY COUNCIL | | |
| <u>Will jeopardize or eliminate receipt of Provincial allocation; industrial areas will not receive necessary financial input to improve hard and soft services or to help eliminate chronic problem of abutting residential uses restricting growth of industrial uses.</u> | | |

Signature of
Department Head/Local Board Manager

Signature of C.A.O.

Date

Date

City of Hamilton
Treasury

1988-1992 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD Community Development
2. (a) PROJECT NUMBER _____
(b) PROJECT NAME Signage Grant Programme
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.
This Programme is designed to encourage business operators within
Business Improvement Areas to upgrade their existing signage by
taking advantage of a maximum grant of \$5,000. matching funds.
A signage study in each of the B.I.A.'s will be necessary to ensure
proper use of these funds to meet the goals and objectives of the
business community.
4. (a) PROJECT STARTING DATE 1988
(b) PROJECT FINISHING DATE 1990
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED 1988
5. (a) GROSS COST OF PROJECT \$ 300,000.
(b) SUBSIDIES AND OTHER RECEIPTS \$ _____
(c) CITY'S COST \$ 300,000.
- | | | NO. OF PERSON
YEARS CREATED |
|--|--------------------|--------------------------------|
| 6. (a) YEAR OF EXPENDITURE - 1988 | \$ <u>50,000.</u> | <u>3</u> |
| - 1989 | \$ <u>100,000.</u> | <u>6</u> |
| - 1990 | \$ <u>150,000.</u> | <u>4</u> |
| - 1991 | \$ _____ | _____ |
| - 1992 | \$ _____ | _____ |
| - 1993 AND AFTER | \$ _____ | _____ |
| (b) TOTAL NUMBER OF PERSON YEARS CREATED | | <u>13</u> |
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT n/a
8. ANNUAL OPERATING COST \$ _____
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE
OR CITY COUNCIL
Existing signage within B.I.A.'s particularly in the central
core will continue to deteriorate with no control over new
signage via the incentive programme.

Signature of
Department Head/Local Board Manager

Signature of C.A.O.

Date

Date

City of Hamilton
Treasury

1988-1992 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD Community Development
2. (a) PROJECT NUMBER _____
- (b) PROJECT NAME Municipal Non-Profit Housing - Sites
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.

DETAILS TO FOLLOW

4. (a) PROJECT STARTING DATE 1988
- (b) PROJECT FINISHING DATE _____
- (c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED _____
5. (a) GROSS COST OF PROJECT \$ 1,000,000.
- (b) SUBSIDIES AND OTHER RECEIPTS \$ _____
- (c) CITY'S COST \$ _____
- | | | NO. OF PERSON
YEARS CREATED |
|--|----------|--------------------------------|
| 6. (a) YEAR OF EXPENDITURE - 1988 | \$ _____ | _____ |
| - 1989 | \$ _____ | _____ |
| - 1990 | \$ _____ | _____ |
| - 1991 | \$ _____ | _____ |
| - 1992 | \$ _____ | _____ |
| - 1993 AND AFTER | \$ _____ | _____ |
| (b) TOTAL NUMBER OF PERSON YEARS CREATED | | ===== |
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT _____
8. ANNUAL OPERATING COST \$ _____

9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE
OR CITY COUNCIL

Signature of
Department Head/Local Board Manager

Signature of C.A.O.

Date

Date

City of Hamilton
Treasury

1988-1992 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD Community Development
2. (a) PROJECT NUMBER _____
(b) PROJECT NAME Beasley PRIDE Programme
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.
Renewal of both "hard" and "soft" Municipal infrastructure within the
next - priority residential neighbourhood; the ranking of which was
established by the Parks Sub-Committee. A review of the commercial
and industrial needs of the neighbourhood will be undertaken since
these concerns are also eligible under PRIDE.
4. (a) PROJECT STARTING DATE 1989
(b) PROJECT FINISHING DATE 1991
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED 1989
5. (a) GROSS COST OF PROJECT \$ 1,000,000
(b) SUBSIDIES AND OTHER RECEIPTS \$ 500,000 Ministry of Municipal Affairs
(c) CITY'S COST \$ 500,000 PRIDE
- | | | NO. OF PERSON
YEARS CREATED |
|---|-------------------|--------------------------------|
| 6. (a) YEAR OF EXPENDITURE - 1988 | \$ _____ | _____ |
| - 1989 | \$ <u>100,000</u> | <u>3</u> |
| - 1990 | \$ <u>200,000</u> | <u>6</u> |
| - 1991 | \$ <u>200,000</u> | <u>6</u> |
| - 1992 | \$ _____ | _____ |
| - 1993 AND AFTER | \$ _____ | <u>15</u> |
| (b) TOTAL NUMBER OF PERSON YEARS CREATED | | <u>30</u> |
| 7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT | <u>50</u> | |
| 8. ANNUAL OPERATING COST | | \$ <u>10,000*</u> |
| *Estimate by Public Works Department - Parks Division | | |
| 9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE
OR CITY COUNCIL | | |
| <u>Further deterioration of the Neighbourhood social and recreational</u>
<u>facilities. Priority-One-Park remains undeveloped in a neighbourhood</u>
<u>encompassing a major part of the central business district and in close</u>
<u>proximity to the Waterfront.</u> | | |

Signature of
Department Head/Local Board Manager

Signature of C.A.O.

Date

Date

City of Hamilton
Treasury

1988-1992 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD Community Development
2. (a) PROJECT NUMBER E 380005
- (b) PROJECT NAME Crown Point West/Stipeley; PRIDE Programme
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.
Renewal of both "hard and "soft" Municipal infrastructure within the
next-priority residential neighbourhood following Corktown-Stinson;
the ranking of which was concurred in by The Planning and Development
Committee. This is the first phase of a two phase project. Phase II
being the Industrial Revitalization Programme which will be implemented
in 1988 to 1989.
4. (a) PROJECT STARTING DATE 1987 (\$50,000)
- (b) PROJECT FINISHING DATE 1989
- (c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED 1987
5. (a) GROSS COST OF PROJECT \$ 800,000
- (b) SUBSIDIES AND OTHER RECEIPTS \$ 400,000 Ministry of Municipal Affairs
PRIDE Programme
- (c) CITY'S COST \$ 400,000
- | | | NO. OF PERSON
YEARS CREATED |
|--|--------------------|--------------------------------|
| 6. (a) YEAR OF EXPENDITURE - 1988 | \$ <u>175,000.</u> | <u>5</u> |
| - 1989 | \$ <u>175,000.</u> | <u>5</u> |
| - 1990 | \$ _____ | _____ |
| - 1991 | \$ _____ | _____ |
| - 1992 | \$ _____ | _____ |
| - 1993 AND AFTER | \$ _____ | _____ |
| (b) TOTAL NUMBER OF PERSON YEARS CREATED | | <u>10</u> |
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT 40
8. ANNUAL OPERATING COST \$ 10,000
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE
OR CITY COUNCIL
Further deterioration of neighbourhood facilities. Priority-One-Park
remains undeveloped.

Signature of
Department Head/Local Board Manager

Signature of C.A.O.

Date

Date

City of Hamilton
Treasury

1988-1992 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD Community Development
2. (a) PROJECT NUMBER _____
(b) PROJECT NAME Industrial Waste Clean-Up Former Lax Property
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.
Removal of hazardous wastes on former Lax Property satisfactory
to the Ministry of the Environment.
Consultant B.A.R. Environmental
4. (a) PROJECT STARTING DATE 1988
(b) PROJECT FINISHING DATE 1988
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED _____
5. (a) GROSS COST OF PROJECT \$ 1,000,000.
(b) SUBSIDIES AND OTHER RECEIPTS \$ NIL
(c) CITY'S COST \$ 1,000,000.
- | | | NO. OF PERSON
YEARS CREATED |
|--|----------------------|--------------------------------|
| 6. (a) YEAR OF EXPENDITURE - 1988 | \$ <u>1,000,000.</u> | <u>30</u> |
| - 1989 | \$ _____ | _____ |
| - 1990 | \$ _____ | _____ |
| - 1991 | \$ _____ | _____ |
| - 1992 | \$ _____ | _____ |
| - 1993 AND AFTER | \$ _____ | _____ |
| (b) TOTAL NUMBER OF PERSON YEARS CREATED | <u>50</u> | <u>30</u> |
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT _____
8. ANNUAL OPERATING COST \$ _____
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE
OR CITY COUNCIL
Ministry enforcing Environmental Protection Act and forcing
clean-up.

Signature of
Department Head/Local Board Manager

Signature of C.A.O.

Date

Date

City of Hamilton
Treasury

1988-1992 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD Community Development
2. (a) PROJECT NUMBER _____
(b) PROJECT NAME Waterfront
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.
Major public Waterfront recreational development at Hamilton's
West Harbour.
4. (a) PROJECT STARTING DATE 1989 (1988 for further studies)
(b) PROJECT FINISHING DATE 1994
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED _____
5. (a) GROSS COST OF PROJECT \$ 48,000,000.
(b) SUBSIDIES AND OTHER RECEIPTS \$ 34,000,000.
(c) CITY'S COST \$ 14,000,000.
- | | | NO. OF PERSON
YEARS CREATED |
|--|-----------------------|--------------------------------|
| 6. (a) YEAR OF EXPENDITURE - 1988 | \$ <u>600,000.</u> | <u>18</u> |
| - 1989 | \$ <u>11,400,000.</u> | <u>342</u> |
| - 1990 | \$ <u>15,000,000.</u> | <u>450</u> |
| - 1991 | \$ <u>15,000,000.</u> | <u>450</u> |
| - 1992 | \$ <u>5,000,000.</u> | <u>150</u> |
| - 1993 AND AFTER | \$ <u>1,000,000.</u> | <u>30</u> |
| (b) TOTAL NUMBER OF PERSON YEARS CREATED | | <u>1,140</u> |
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT 2400
8. ANNUAL OPERATING COST \$ 400,000.

9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION BY EXECUTIVE COMMITTEE
OR CITY COUNCIL

To be determined through the environmental assessment process
however, the obvious result will be the loss of a major regional
tourist/recreational development and public access to the sole
remaining piece of public open space on Hamilton's Waterfront.
Loss of \$10,200,000. Provincial commitment.

Signature of
Department Head/Local Board Manager

Signature of C.A.O.

Date

Date

F O R A C T I O N

59.

FROM E.W. Kowalski, Director
Community Development Department

DATE 1987 September 2

TO Planning & Development Committee

Refer To File No. 800-0016.7

Attention Of _____

Your File No. _____

SUBJECT

Signage Grant Programme

RECOMMENDATION

i) That provision be made in the 1988-1992 Capital Budget in the amount of three hundred thousand dollars (\$300,000.), the estimated cost to implement a Signage Grant Programme over a three year period commencing in 1988 and ending in 1990. It is expected that the take-up would be \$50,000. in 1988, \$100,000. in 1989 and \$150,000. in 1990.

E Kowalski

BACKGROUND

Please see attachments.

SIGNAGE GRANT PROGRAMME

The Department of Community Development administers several different rehabilitation programmes. These, are geared to restore properties, either residential or commercial.

It has become obvious during our involvement with the Business Improvement Areas and the Downtown Action Plan that what is needed is a Programme to assist individual owners of businesses to improve their commercial signage to keep pace with improved streetscape and Business Improvement Area "themes." Even though the Commercial Facade Loan Programme addresses signage, there is a need for the Grant Signage Programme for the following reasons:

- a) many merchants are not the owners of the buildings and receive little or no co-operation from the owner,
- b) there are insufficient funds to cover signage due to the requirements of the Property Standards By-Law, which must be addressed initially,
- c) there is lack of direction on signage requirements,
- d) the grant is needed to provide additional incentive for this important element.

The businessmen in these areas have accepted the challenge of improvement by forming Business Improvement Areas, but the use of the money collected by Municipal By-Law on behalf of the Business Improvement Area is restricted, and loans/grants to individual properties are not allowed under Provincial Legislation. Neither the Ministry of Municipal Affairs nor any other Ministry in the Province offer monies for signage. The Department of Community Development therefore recommends that the City undertake the implementation of a Signage Grants Programme.

The recommended terms and conditions of the Signage Grant Programme are as follows:

- Limited to Business Improvement Areas (B.I.A.s)
- All grants are non-repayable

- The Business Improvement Area must have a signage study done for their area. Approximately \$5,000. per Business Improvement Area will be provided which would come out of that year's allocation for the Business Improvement Area. The signage study results will be incorporated into the Signage Grant Programme guidelines.
- Maximum grant amount is 50% of the sign cost, to a maximum of \$5,000. per business
- The balance of the sign cost will be covered by the Commercial Facade Loan Programme and its guidelines (attached as Schedule "B")
- Professional fees (architects, engineers, appraisers, solicitors, etc.) are an eligible expense
- Owners or tenants could take the grant. However, tenants could work with landlords, but the landlord must make the financial commitment through the Commercial Facade Loan Programme and tenants would have to pick up the 50% on their own since the Commercial Facade Loan Programme is for owners only
- Unit eligibility will be based on the latest revised business assessment rolls
- The owner will obtain two estimates for signage improvements wanted by the owner. The Business Improvement Area Board of Management and Building Department will review the signage improvements. A report will be prepared by the Department of Community Development incorporating our recommendations, the Building Department's and the Business Improvement Areas. These, with the application, will then be forwarded to the Planning and Development Committee and City Council for approval
- Only completed work which has been inspected will be paid for
- Since there are seven existing Business Improvement Areas, the monies will be evenly distributed for all. (Same equation will be implemented as for the Commercial Facade Loan Programme)

59

- The Grant funding will only address the removal of the existing sign and implementation of only one projecting sign additional window or facade sign may be eligible, depending on the availability of funding.

- Proposed funding from the five (5) year Capital Budget:

\$50,000 - 1988; \$100,000 - 1989; \$150,000 - 1990

59.

The Department of Community Development recommends the acceptance of the aforementioned programme, as an extension of the Commercial Facade Loan Programme. Based upon the positive results of the Commercial Facade Loan Programme, its guidelines and approval process, the Department of Community Development recommends the same procedure be implemented for the Signage Grant Programme. We are confident this Programme will receive favourable acceptance from the business community and will go a long way in improving the aesthetics in the business community.

59

Signage Grant Programme
For
The Business Improvement Areas
(B.I.A.'s)
In The City of Hamilton

Department of Community Development
1987 September

50

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PREFACE

The City of Hamilton now has seven Business Improvement Areas, all of which are, or are in the process of becoming, Community Improvement Project Areas. These are 1) International Village 2) Ottawa Street 3) Westdale Village 4) Downtown Promenade 5) Jamesville 6) Concession Street and 7) Barton General. The "Central Policy Area," with respect to the Official Plan includes Jamesville, Downtown Promenade and International Village Business Improvement Areas. The Official Plan states, "The Central Policy Area is recognized as the highest level in the commercial hierarchy and is promoted as the principal retail centre for both the City and the Region, offering the widest range of goods and services. Further, the Plan promotes shopping centres of varying sizes, ranging from sub-regional shopping centres down to the smaller neighbourhood shopping centres." It is the general intent of the Plan that commercial development occur in an orderly manner, consistent with the needs of the community. The Plan promotes a hierarchy of commercial categories to best serve the residents of the City, and to recognize and accommodate the locational, trade area or special requirements of businesses of varying size and function. The Plan promotes a high aesthetic quality in all commercial areas and endeavours to minimize their impacts on adjacent land uses".

An important aspect of improving visual appearance of a Business Improvement Area involves upgrading of existing building fronts, not only from the point of view of streetscape, but also as a tool for merchants to improve their own images. "Merchants should realize that the building itself can serve as a large "sign." There is a need to encourage individual owners of buildings to renovate via availability of loans and grants i.e., Commercial Facade Loan, Low-Rise, Convert-to-Rent, Commercial Improvement Programme and the Signage Grant Programme.

Together, Public and Private efforts work towards the goal of establishing an attractive and economically healthy shopping and multi-functional centre for Hamilton.

INTRODUCTION

Through the Downtown Action Plan, Grant and Loan Programmes, Commercial Facade Programme and Commercial Improvement Programme, the City of Hamilton has provided vehicles and encouragement to upgrade or update commercial areas. Yet, old, unsightly and often unused signage remains to clutter and deter an aesthetically pleasing area. This is true of Business Improvement Areas, but more important of the Central Core - Downtown Hamilton.

At the present time, the Central Area Plan, the Official Plan, the Streets By-law #86-77 and the zoning By-law address signage and very limited boundaries for it.

The Planning Department, in conjunction with the Urban Design Committee, hope to schedule for a Street Signage Study to be implemented in 1988. Portable signage is under the jurisdiction of the Streets By-Law but illuminated signage is reviewed by the Building and Traffic Departments. (The Building Department investigates size allowances, etc. and the Traffic Department checks for any interference with traffic signs).

The Official Plan states, "Council will endeavour to maintain or improve the visual amenity and general attractiveness of extended commercial areas, and, in so doing, will:

- 1) Encourage the restoration, rehabilitation or repair of existing storefronts and facades to complement the scale, design and character of other commercial developments in the area.

It also states, "The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

COMMERCIAL FACADE LOAN PROGRAMME

In a report submitted by the Community Development Department dated 1985 December 10 and included in its Capital Budget submission, the Planning and Development Committee approved the establishment of a new Commercial Facade Loan Programme. Subsequently, City Council gave the Department of Community Development authorization to proceed with implementation of the Commercial Facade Loan Programme by adopting Item 10 of the Twelfth Report for 1986 of the Planning and Development Committee, 1986 June 24.

The Commercial Facade Loan Programme is designed to provide low interest loans to owners of commercial properties located within Business Improvement Areas. The maximum loan amount is established at \$15,000. per municipal address at an interest rate at one-half the rate at which the City could borrow the money. The loans will be amortized over ten (10) years. The attached Schedule "B" constitutes the Commercial Facade Loan Programme Guidelines.

The Commercial Facade Loan Programme has received favourable acceptance from the business community and is improving the aesthetics in the business community.

SIGNAGE (GENERAL)

Signs profoundly affect the appearance of a building, business and thus the appearance of the area. Customers and passersby are apt to make judgements about the quality of products and services based upon the look of the premises. Effective sign elements include: simplicity, compatibility, scale, layout, colour, quality of materials and workmanship.

The various types of signs, which offer different effects, are as follows: wall, fascia, window, temporary, projecting, effigy (3 dimensional), awnings, canopies, flags, banners, multiple occupancy, free standing and supergraphic signs. The supporting hardware for projecting signs is more prominent and visible than any other sign type. Canopies, on the other hand, are a soft, inexpensive and refreshing counterpoint where streets abound with hard objects. Awnings made of cotton, however, have the shortest life span while those made of acrylic fabric and vinyl coated polyester are more durable. Multiple occupancy or directory signs change frequently thus flexibility is an important factor.

When combining signs and architecture, the ideal is to integrate the three major visual elements in the commercial district: the architecture, the storefront and its signs. Quite often supergraphics or painted images are done on large areas of blank wall to bring them back to life.

Multi-tenant buildings, present in our Business Improvement Areas, with more than one storefront at street level require co-ordination of facades and signage.

To ensure easier maintenance during the life of a sign, the merchant should choose high quality materials at the design and construction stage.

Regular cleaning of signs, inspection for wear and damage from vandalism or weather are important as well. One should be aware that a sign marked by grafitti or damage becomes a target for continued vandalism.

Lighting, too, may be considered for signs such as spotlights, or street lighting may be sufficient to illuminate the area.

All in all, many factors combine to enhance the effectiveness of signage in our Business Improvement Areas.

SIGNAGE GRANT PROGRAMME

Background:

The Department of Community Development administers several different rehabilitation programmes. These, are geared to restore properties, either residential or commercial.

It has become obvious during our involvement with the Business Improvement Areas and the Downtown Action Plan that what is needed is a Programme to assist individual owners of businesses to improve their commercial signage to keep pace with improved streetscape and Business Improvement Area "themes." Even though the Commercial Facade Loan Programme addresses signage, there is a need for the Grant Signage Programme for the following reasons:

- a) many merchants are not the owners of the buildings and receive little or no co-operation from the owner,
- b) there are insufficient funds to cover signage due to the requirements of the Property Standards By-Law, which must be addressed initially,
- c) there is lack of direction on signage requirements,
- d) the grant is needed to provide additional incentive for this important element.

The businessmen in these areas have accepted the challenge of improvement by forming Business Improvement Areas, but the use of the money collected by Municipal By-Law on behalf of the Business Improvement Area is restricted, and loans/grants to individual properties are not allowed under Provincial Legislation. Neither the Ministry of Municipal Affairs nor any other Ministry in the Province offer monies for signage. The Department of Community Development therefore recommends that the City undertake the implementation of a Signage Grants Programme.

The recommended terms and conditions of the Signage Grant Programme are as follows:

- Limited to Business Improvement Areas (B.I.A.s)
- All grants are non-repayable

- 50
- The Business Improvement Area must have a signage study done for their area. Approximately \$5,000. per Business Improvement Area will be provided which would come out of that year's allocation for the Business Improvement Area. The signage study results will be incorporated into the Signage Grant Programme guidelines.
 - Maximum grant amount is 50% of the sign cost, to a maximum of \$5,000. per business
 - The balance of the sign cost will be covered by the Commercial Facade Loan Programme and its guidelines (attached as Schedule "B")
 - Professional fees (architects, engineers, appraisers, solicitors, etc.) are an eligible expense
 - Owners or tenants could take the grant. However, tenants could work with landlords, but the landlord must make the financial commitment through the Commercial Facade Loan Programme and tenants would have to pick up the 50% on their own since the Commercial Facade Loan Programme is for owners only
 - Unit eligibility will be based on the latest revised business assessment rolls
 - The owner will obtain two estimates for signage improvements wanted by the owner. The Business Improvement Area Board of Management and Building Department will review the signage improvements. A report will be prepared by the Department of Community Development incorporating our recommendations, the Building Department's and the Business Improvement Areas. These, with the application, will then be forwarded to the Planning and Development Committee and City Council for approval
 - Only completed work which has been inspected will be paid for
 - Since there are seven existing Business Improvement Areas, the monies will be evenly distributed for all. (Same equation will be implemented as for the Commercial Facade Loan Programme)

- The Grant funding will only address the removal of the existing sign and implementation of only one projecting sign additional window or facade sign may be eligible, depending on the availability of funding.
- Proposed funding from the five (5) year Capital Budget:
\$50,000 - 1988; \$100,000 - 1989; \$150,000 - 1990

Conclusion:

The Department of Community Development recommends the acceptance of the aforementioned programme, as an extension of the Commercial Facade Loan Programme. Based upon the positive results of the Commercial Facade Loan Programme, its guidelines and approval process, the Department of Community Development recommends the same procedure be implemented for the Signage Grant Programme. We are confident this Programme will receive favourable acceptance from the business community and will go a long way in improving the aesthetics in the business community.

GUIDELINES

59.

- LIMITED TO BUSINESS IMPROVEMENT AREAS (B.I.A.'s).
- ALL LOANS AT AN INTEREST RATE HALF OF THE CITY'S PRIME BORROWING RATE.
- MAXIMUM LOAN AMOUNT \$15,000. FOR FACADE AND EXTERIOR RENOVATION.
- MAXIMUM LOAN FOR FACADE \$10,000.
- LOAN AMORTIZED OVER TEN YEARS (OPEN).
- THE BUILDING ENVELOPE WOULD BE INSPECTED, INCLUDING EXTERIOR SHELL (FOUNDATION, EXTERIOR WALLS, ROOF, FIRE ESCAPES AND CHIMNEYS). ANY DEFICIENCIES WOULD HAVE TO BE CORRECTED BEFORE FACADE IMPROVEMENTS (STORE FRONTS, AESTHETICS, SIGNAGE, ETC.) WOULD BE CONSIDERED.
- LOAN SECURED BY LIEN ON TITLE. PROFESSIONAL FEES (ARCHITECTS, ENGINEERS, APPRAISERS, SOLICITORS, ETC.) ELIGIBLE EXPENSE.
- OWNERS ONLY COULD MAKE LOAN. HOWEVER, TENANTS COULD WORK WITH LANDLORDS, BUT LANDLORD MUST TAKE THE FINANCIAL COMMITMENT.
- EQUITY MUST BE SUFFICIENT TO COVER OUTSTANDING PROPERTY COMMITMENTS INCLUDING CITY LIEN.
- REPAYMENT WILL BE ON A MONTHLY BASIS BUT OPEN TO FULL REPAYMENT AT ANY TIME AT NO PENALTY.
- ALL MONEY COLLECTED ON REPAYMENT TO BE PLACED IN A RECYCLABLE ACCOUNT TO CONTINUE PROGRAMME AFTER ORIGINAL CAPITAL BUDGET ALLOCATION.
- MAXIMUM LOAN TO ANY ONE OWNER \$50,000.
- UNIT ELIGIBILITY WILL BE BASED ON LATEST REVISED BUSINESS ASSESSMENT ROLLS.
- LOANS TRANSFERABLE TO NEW OWNER PROVIDING NEW OWNER MEETS AND AGREES TO TERMS AND CONDITIONS OF LOAN.
- THE OWNER WILL OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR FACADE IMPROVEMENTS WANTED BY OWNER. (THE BUILDING DEPARTMENT WILL APPROVE THE ESTIMATES BASED ON THEIR INSPECTION). A FULL REPORT WILL BE PREPARED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT INCORPORATING OUR RECOMMENDATIONS AND THE BUILDING DEPARTMENT'S. THESE, WITH THE APPLICATION, WILL THEN BE FORWARDED TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL FOR APPROVAL.



AUG 24 1987

6a

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 August 21
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 40.15.60(4504)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Extension of Closing Date - City Sale to Jim Pattison Industries Ltd. operating as Mountain City News - Parts 10 and 11, Plan 62R-6188 - 26-36 Keefer Court

RECOMMENDATION

That the closing of the transaction dated April 6, 1987 between Jim Pattison Industries Ltd. operating as Mountain City News and the City of Hamilton be extended to November 25, 1987.

Time is to remain of the essence of the agreement and all other terms and conditions of the agreement are to remain the same.

BACKGROUND

[Signature]
[Signature]

In adopting Item 15 of the 8th Report of the Planning and Development Committee, City Council on April 28, 1987 authorized the sale of Parts 10 and 11, 62R-6188 (26-36 Keefer Court) to Jim Pattison Ltd. operating as Mountain City News. This transaction was scheduled to close on September 24, 1987.

Due to delays in obtaining an easement from the Region for access purposes and the fact that the Board of Directors of this firm do not meet again until November 15, 1987, it was necessary to extend the closing to November 25, 1987.

c.c. - Mr. K.A. Rouff, City Solicitor, Attn: Ms. S. Light

- Mr. E.C. Matthews, City Treasurer

- Mr. M. Chidley, Regional Surveyor



SEP 5 1987

6b.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 September 2
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.34(4509)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Settlement of Expropriation
760 Burlington Street East, Sarmor Properties Limited

RECOMMENDATION

That an Agreement by Owner to Accept Compensation executed by Sarmor Properties Limited on August 26, 1987 and scheduled for closing on November 3, 1987 in the total amount of \$15,190.00 plus 6% interest on the outstanding compensation for market value of the property at 760 Burlington Street East from June 22, 1983 to the date of closing be approved and completed. Acquisition costs are to be charged to account 0280-35 (Reserve for Alpha Enclave) in which sufficient funds are available to finalize this transaction.

Note: The subject property measures 22 feet (6.70 metres) along the southerly limit of Burlington Street East by a depth of 80 feet (24.38 metres) more particularly described as part of Lot 10, Plan 550, together with buildings erected thereon bearing municipal number 760 Burlington Street East.

BACKGROUND

The subject property was expropriated as part of an acquisition programme to clear residential enclaves in industrial areas.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

SEP 03 1987

AGREEMENT BY OWNER TO ACCEPT COMPENSATION

To: The Corporation of the City of Hamilton

Sarmor Properties Limited
c/o Timothy H. Leigh-Bell
Elkind, Lipton & Jacobs
15th Floor, 69 Yonge Street
Toronto, Ontario. M5E 1K3

I/We SARMOR PROPERTIES LIMITED

, hereby agree to accept the

sum of \$ 15,190.00 from The Corporation of the City of Hamilton in full payment and settlement of compensation for all interests in the real property known as Municipal No. 760 Burlington Street East on Expropriation Plan No. registered on the 11th day of February 1983 as Instrument No. 236427 C.D.

I/We further agree that the aforesaid sum shall include all claims for damages, costs, injurious affection or any other claim whatsoever arising out of the expropriation of the said real property.

I/We agree that the said compensation monies will be subject to the usual adjustments, except for fire insurance premiums, as of the date for closing hereof, namely the 3rd day of November 19 87 .

I/We acknowledge that I/we have delivered vacant possession of the said lands on June 22nd, 1983 and that I/we shall also deliver on the date for closing, a deed, discharges of all encumbrances (including Writs of Execution) in existence before or after the Expropriation, and a release in a form satisfactory to you executed by all persons or corporations having any claim to compensation by reason of the said expropriation and a statutory declaration in a form satisfactory to you setting forth the fact that the persons and/or corporations executing the said discharges and release are all those having any claim to compensation.

This agreement is to remain open until acceptance by City Council and is to be read with all grammatical changes made necessary by the gender, number or corporate status.

DATED at Hamilton this 26th day of August 1987.

WITNESS:

Timothy H. Leigh-Bell

SARMOR PROPERTIES LIMITED

(L.S.)

(L.S.)

(L.S.)

Solicitor's Name and Address

Timothy H. Leigh-Bell

Mailing Address of Signing Parties

Elkind, Lipton & Jacobs
15th Floor, 69 Yonge Street
Toronto, Ontario
M5E 1K3

6/26/85

610

SCHEDULE "A"

760 Burlington St. E.
Hamilton, Ontario
Alpha Enclave

Owner's Interest
Sarmor Properties Limited

ELEMENTS OF COMPENSATION:

Market Value of Realty	-	\$14,000.00
Legal Fees	-	1,040.00
Appraisal Fees, Mario Cupido	-	<u>150.00</u>

TOTAL COMPENSATION \$15,190.00

plus 6% interest on the outstanding compensation for market value of the property from June 22, 1983 to the date of closing.

It is understood and agreed that the amount of \$15,190.00 plus interest is full and final payment of all compensation whatsoever which Sarmor Properties Limited may be entitled to as a result of the expropriation by the Corporation of the City of Hamilton of the land and building known as 760 Burlington St. East, Hamilton, Ontario.

DATED at Hamilton this 26th day of August 19 87

WITNESS:

Robert B. Brown

[Signature]
SARMOR PROPERTIES LIMITED



SEP 9 1987

6c

THE CORPORATION OF THE CITY OF HAMILTON

FROM D. W. Vyce, Director of Property DATE 1987 September 8
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 20.1.283(2738)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒ X
Committee

SUBJECT

Sale - Lot 18, Plan M-227 - Hamilton Industrial Park #1
Nebo Road to Fin-Par Enterprises Inc.

RECOMMENDATION

That an Offer to Purchase the lands of the Corporation of the City of Hamilton, Lot 18, Plan M-227, Hamilton Industrial Park No. 1 located on Nebo Road, duly executed on September 3, 1987 by the Purchaser, Fin-Par Enterprises Inc., and scheduled for closing on December 2nd, 1987 be approved and completed.

Note: The purchase price is \$100,730.00. A deposit cheque in the amount of \$10,073.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the western limit of Nebo Road, having a frontage of 200.21 feet by a depth of 433.31 feet/441.89 feet and containing an area of 2.0146 acres.

This Offer to Purchase is conditional upon the following conditions being met:-

The Purchaser obtaining a tenant or tenants for the proposed building.

The Purchaser's at their own expense obtaining soil tests to determine the load bearing capabilities of the subject lands for the construction of the Purchaser's proposed building.

Continued...

RECOMMENDATION - Continued...

The Purchasers have until November 16th, 1987 to satisfy themselves to conditions 1 and 2; in the event the above conditions cannot be resolved by this date, the Vendor agrees to grant a further extension of 30 days if required and requested in writing by the Purchasers.

If the extension of 30 days is granted by the Vendor, then the closing date will also be extended by 30 days, provided that time remains of the essence and all terms and conditions remain in full force and affect, subject to clause #7.

It is understood and agreed that the Vendor upon completion of this transaction will pay a 5% Real Estate Commission on the following basis to Lounsbury Realty Limited, 171 James Street South, Hamilton, Ontario L8P 3A3, whose agent, Mr. Gary Stapleton, acted in this matter.

1st	\$100,000.00	of Purchase Price	-	5%
2nd	\$100,000.00	of Purchase Price	-	4%

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.

BACKGROUND

This Department has received an inquiry from Mr. Gary Stapleton of Lounsbury Realty Limited, agent for Fin-Par Enterprises Inc. of Etobicoke, Ontario, as to the possibility of purchasing a 2.0146 acre lot on Nebo Road. The Purchaser plans to build a 12,000 square foot industrial building for leasing purposes.

Attch.

c.c. - Mr. K. A. Rouff, City Solicitor
- Mr. E. C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

6.1. The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

✓ 6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 12,000 square feet, upon the hereinbefore described land by not later than June 2nd, 1988

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than June 2nd, 1989

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.

Continued.....1(b)

4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

60

OFFER TO PURCHASE

I/We FIN-PAR ENTERPRISES INC., of the City of ~~Hamilton~~ ^{Etobicoke}
in the ~~Regional Municipality of Hamilton-Wentworth~~ ^{Metropolitan Toronto} hereinafter called the Purchaser,
hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,
hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises
situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth
and being composed of Lot 18, Plan M-227, Hamilton Mountain Industrial Park No.1,
said parcel of vacant land having a frontage along the westerly limit of Nebo Road
of 200.23' by a depth of 433.31'/441.89' and containing an area of 2.0146 acres,
as shown in heavy outline on the attached plan.

at the price of ONE HUNDRED THOUSAND, SEVEN HUNDRED & THIRTY—DOLLARS (\$100,730.00—)
of lawful money of Canada, payable as follows:-

- (a) A deposit of TEN THOUSAND AND SEVENTY-THREE—DOLLARS (\$ 10,073.00—)
by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely NINETY THOUSAND, SIX HUNDRED—
AND FIFTY-SEVEN—DOLLARS (\$ 90,657.00—)
with interest as hereinafter provided, and subject to
adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:-

1. This Offer shall be irrevocable by the Purchaser and may be accepted by the Vendor up to but not after the 6th day of October 1987, by a letter mailed or delivered to the Purchaser at 55 Baywood Road, Rexdale, Ontario M9V 3Y8
2. In the event that this Offer is not accepted, this Offer and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs.
3. In the event of and upon the acceptance of this Offer, this Offer and the letter of acceptance shall be a binding contract of purchase and sale and shall be completed in accordance with the terms hereof.
4. The title is good and free from all encumbrance, except as to any registered restrictions or covenants.
5. The Purchaser is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Vendor.
6. The Purchaser is to be allowed thirty days from the date of acceptance of such Offer to examine the title at his own expense. If within that time any valid objection to title is made in writing to the Vendor, or its Solicitor, which the Vendor shall be unable or unwilling to remove and which the Purchaser will not waive, the contract arising out of the acceptance of this Offer shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and all monies shall be returned by the Vendor without interest and it shall not be liable for any damages or costs. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the title of the Vendor to the real property.

6.1. The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 12,000 square feet, upon the hereinbefore described land by not later than June 2nd, 1988

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than June 2nd, 1989

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.

Continued.....1(b)

4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

6c

7. This transaction shall be closed on or before the 2nd day of December 1987 In accordance with Schedule "A" attached hereto which forms part of this agreement.
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.
16. It is understood and agreed that the Vendor upon completion of this transaction will pay a 5% Real Estate Commission on the following basis to Lounsbury Realty Limited, 171 James Street South, Hamilton, Ontario, L8P 3A3, whose agent, Mr. Gary Stapleton, acted in this matter.

1st \$1000,000.00 ^{my} of Purchase Price - 5%
2nd \$100,000.00 of Purchase Price - 4%

Time shall be of the essence of this Agreement, which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at ETOBICOKE this 2nd day of SEPTEMBER 1987

SIGNED, SEALED AND DELIVERED) FIN-PAR ENTERPRISES INC.

in the presence of

A. Hall (Seal)

_____ (Seal)
_____ (Seal)

Name of Purchaser's Solicitor Mr. A. Morassutti

Address of Purchaser's Solicitor 4950 Yonge Street, 20th Floor
North York, Ontario

M2N 6K1
(226-0660)

3/27/84

6c.



FIN-PAR ENTERPRISES INC.

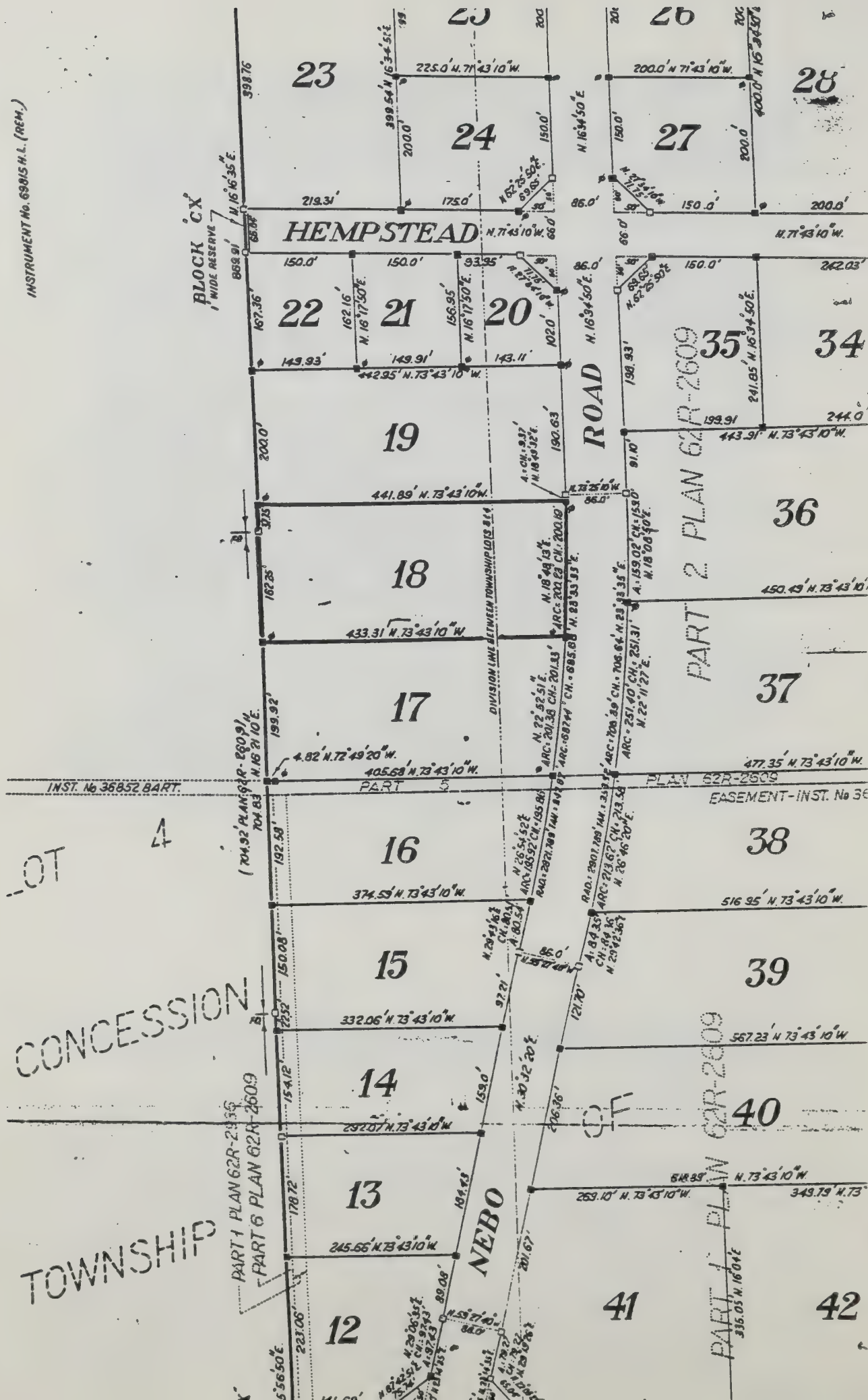
1. The Purchaser obtaining a tenant or tenants for the proposed building.
2. The Purchaser's at their own expense obtaining soil tests to determine the load bearing capabilities of the subject lands for the construction of the Purchaser's proposed building.
3. The Purchasers have until November 16th, 1987 to satisfy themselves to conditions 1 and 2; in the event the above conditions cannot be resolved by this date, the Vendor agrees to grant a further extension of 30 days if required and requested in writing by the Purchasers.

If the extension of 30 days is granted by the Vendor, then the closing date will also be extended by 30 days, provided that time remains of the essence and all terms and conditions remain in full force and affect, subject to clause #7.

DATED at PROBICOKE this 3RD day of SEPTEMBER 1987

WITNESS:

WITNESS:  





THE CORPORATION OF THE CITY OF HAMILTON

6d
(i)

FROM D. W. Vyce, Director of Property DATE 1987 September 8
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 50.7.42(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City - 403 Sherman Avenue North - Donald Arnott

RECOMMENDATION

That an Option to Purchase the property at 403 Sherman Avenue North duly executed by Donald Arnott on September 2, 1987 and scheduled to close on or before November 24, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 20.08 feet (6.12 metres) by a depth of 90 feet (27.43 metres) comprising an approximate area of 1,807.2 square feet (167.88m²) with structures erected thereon. The purchase price of \$40,500.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Donald Arnott for the purchase by the City of Lot 9, Plan 547, having a frontage on the westerly limits of Sherman Avenue North of 20.08 feet (6.12 metres) more or less by a depth of 90 feet (27.43 metres) more or less containing an area of 1,807.2 square feet (167.88 square metres) more or less, together with all buildings erected thereon and known as Municipal No. 403 Sherman Avenue North, for the sum of \$40,500.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

BETWEEN: DONALD ARNOTT

In care of Mr. Frederick J. Lee
Barrister & Solicitor
20 Hughson St. South
Hamilton, Ontario
L8N 2A1

Hereinafter called "the Owner"
OF THE FIRST PART:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Lot 9, Plan 547, having a frontage on the westerly limits of Sherman Avenue North of 20.08 feet (6.12 metres) more or less by a depth of 90 feet (27.43 metres) more or less containing an area of 1,807.2 square feet (167.88 square metres) more or less, together with all buildings erected thereon and known as Municipal No. 403 Sherman Avenue North, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" - attached hereto.

The purchase price of the said property shall be the sum of FORTY THOUSAND, FIVE HUNDRED DOLLARS (\$ 40,500.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 6th day of October 19 87, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/agent at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before November 24th, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

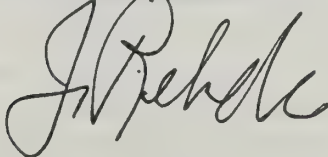
Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.

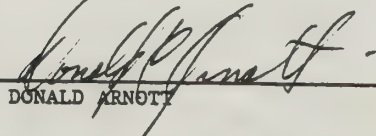
This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at Hamilton this 2 day of September 1987.

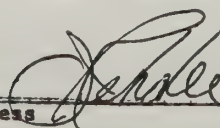
SIGNED, SEALED AND DELIVERED
in the presence of

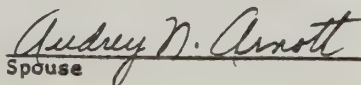


)  (Seal)
) DONALD ARNOTT
) _____ (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O. 1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.


Witness


Spouse

Year Month Day
Date 87 Sept. 2
(Seal)

6cl
(1)

SCHEDULE "A"

403 Sherman Avenue North
Hamilton, Ontario

Owner's Interest
DONALD ARNOTT

ELEMENTS OF COMPENSATION:

Market Value of Realty	\$40,000.00
Legal Fees, Re: 403 Sherman Ave. N. Mr. Fred Lee	<u>500.00</u>
TOTAL COMPENSATION	<u>\$40,500.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$40,500.00 is full and final payment of all compensation, interest and cost whatsoever which Donald Arnott might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 403 Sherman Avenue North, Hamilton, Ontario.

DATED at Hamilton this 2 day of Sept. 1987.

WITNESS:

[Signature]
[Signature]

[Signature]
DONALD ARNOTT

Audrey N. Arnott



THE CORPORATION OF THE CITY OF HAMILTON

6d.
(ii)

FROM D.W.Vyce, Director of Property DATE 1987 September 8
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.107(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City - 3 Gerrard Street -
Willi Richard Parow and Hedwig Maria Parow

RECOMMENDATION

That an Option to Purchase the property at 3 Gerrard Street duly executed by Willi Richard Parow and Hedwig Maria Parow on September 8, 1987 and scheduled for closing on or before January 11, 1988 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 94 feet (28.65 metres) and comprising an approximate area of 1,786 square feet (165.91m²) together with structures erected thereon. The purchase price of \$36,500.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Willi Richard Parow and Hedwig Maria Parow for the purchase by the City of part of Lots 56 and 57, Plan 471, having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less, by a depth of 28.65 metres (94 feet) more or less, containing an area of 165.91 square metres (1,786 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 3 Gerrard Street, for the sum of \$36,500.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

WILLI RICHARD PAROW
BETWEEN: HEDWIG MARIA PAROW

Mr. Terence A. Whelan
In care of Barrister & Solicitor
131 John St. S., Suite 201
Hamilton, Ontario
L8N 2C3

Hereinafter called "the Owner"
OF THE FIRST PART:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$ 1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lots 56 and 57, Plan 471, having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less by a depth of 28.65 metres (94 feet) more or less, containing an area of 165.91 square metres (1,786 square feet) more or less, together with all buildings erected thereon and known as No. 3 Gerrard St., Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" - attached hereto.

The purchase price of the said property shall be the sum of THIRTY-SIX THOUSAND, FIVE HUNDRED DOLLARS (\$ 36,500.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 6th day of October 19 87, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/agent at the above address.

In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before January 11th, 1988 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at HAMILTON this 8th day of September 1987.

SIGNED, SEALED AND DELIVERED
in the presence of

Sere Lush

) Willi R. Parow (Seal)
) WILLI RICHARD PAROW
) Hedwig Maria Parow (Seal)
) HEDWIG MARIA PAROW
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O. 1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Witness

Spouse

(Seal)

Date

Year Month Day

Cd
(11)

SCHEDULE "A"

3 Gerrard Street
Hamilton, Ontario

<u>Owner</u>	<u>Interest</u>
Willi Richard Parow	
Hedwig Maria Parow	

ELEMENTS OF COMPENSATION:

Market Value of Realty	\$ 36,000.00
Legal Fees, 3 Gerrard Street - Mr. T. Whelan	500.00
	<u> </u>
TOTAL COMPENSATION	<u>\$ 36,500.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$36,500.00 is full and final payment of all compensation, interest and cost whatsoever which ^{Willi Richard Parow and} Hedwig Maria Parow, might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 3 Gerrard Street, Hamilton, Ontario

DATED at HAMILTON this 24th day of September 1987

WITNESS:

Jane Larasch

Willi R Parow
WILLI RICHARD PAROW

Jane Larasch

Hedwig Maria Parow
HEDWIG MARIA PAROW



THE CORPORATION OF THE CITY OF HAMILTON

6d
(iii)

FROM D.W.Vyce, Director of Property DATE 1987 September 8
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.108(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City - 5 Gerrard Street - Ingeborg Carr

RECOMMENDATION

That an Option to Purchase the property at 5 Gerrard Street duly executed by Ingeborg Carr on September 8, 1987 and scheduled for closing on or before January 12, 1988 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 94 feet (28.65 metres) and comprising an approximate area of 1,786 square feet (165.91m²) together with structures erected thereon. The purchase price of \$36,500.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Ingeborg Carr for the purchase by the City of part of Lots 55 and 56, Plan 471, having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less, by a depth of 28.65 metres (94 feet) more or less, containing an area of 165.91 square metres (1,786 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 5 Gerrard Street, for the sum of \$36,500.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

BETWEEN: INGEBOG CARR

In care of Mr. Terence A. Whelan
Barrister & Solicitor
131 John St. S., Suite 201
Hamilton, Ontario L8N 2C3

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the Owner"
OF THE FIRST PART:

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$ 1.00)
paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lots 55 and 56, Plan 471, having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less by a depth of 28.65 metres (94 feet) more or less, containing an area of 165.91 square metres (1,786 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 5 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" - attached hereto.

The purchase price of the said property shall be the sum of THIRTY-SIX THOUSAND, FIVE HUNDRED DOLLARS (\$ 36,500.00)
of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 6th day of October 1987, and may be accepted by a letter mailed or delivered to the ~~owner/solicitor/agent~~ at the above address.

In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before January 12th, 1988 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at HAMILTON this 5th day of September 1987.

SIGNED, SEALED AND DELIVERED
in the presence of

J. Lawsh

) Ingeborg Carr (Seal)
) INGBORG CARR
) _____ (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O. 1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Witness

Spouse

(Seal)

Date

Year Month Day

Ed
(111)

SCHEDULE "A"

5 Gerrard Street
Hamilton, Ontario

Owner's Interest
Ingeborg Carr

ELEMENTS OF COMPENSATION:

Market Value of Realty	\$36,000.00
Legal Fees, 5 Gerrard Street - Mr. T. Whelan	500.00
TOTAL COMPENSATION	<u>\$36,500.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$36,500.00 is full and final payment of all compensation, interest and cost whatsoever which Ingeborg Carr, might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 5 Gerrard Street, Hamilton, Ontario

DATED at HAMILTON this 8th day of September 19 87

WITNESS:

Doreen L. Lushy

Ingeborg Carr
INGEBORG CARR



THE CORPORATION OF THE CITY OF HAMILTON

6d.
(iv)

FROM D.W.Vyce, Director of Property DATE 1987 September 8
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.109(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City - 7 Gerrard Street -
Willi Richard Parow and Hedwig Maria Parow

RECOMMENDATION

That an Option to Purchase the property at 7 Gerrard Street duly executed by Willi Richard Parow and Hedwig Maria Parow on September 8, 1987 and scheduled for closing on or before January 13, 1988 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 94 feet (28.65 metres) and comprising an approximate area of 1,786 square feet (165.91m²) together with structures erected thereon. The purchase price of \$36,500.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

D.W. Vyce

We attach hereto an Option to Purchase from Willi Richard Parow and Hedwig Maria Parow for the purchase by the City of part of Lots 54 and 55, Plan 471, having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less, by a depth of 28.65 metres (94 feet) more or less, containing an area of 165.91 square metres (1,786 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 7 Gerrard Street, for the sum of \$36,500.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

BETWEEN: WILLI RICHARD PAROW
HEDWIG MARIA PAROW

In care of Mr. Terence A. Whelan
Barrister & Solicitor
131 John St. S., Suite 201
Hamilton, Ontario L8N 2C3

Hereinafter called "the Owner"
OF THE FIRST PART:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$ 1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lots 54 and 55, Plan 471, having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less, by a depth of 28.65 metres (94 feet) more or less, containing an area of 165.91 square metres (1,786 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 7 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" - attached hereto.

The purchase price of the said property shall be the sum of THIRTY-SIX THOUSAND, FIVE HUNDRED DOLLARS (\$36,500.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 6th day of October 19 87, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/agent at the above address.

In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before January 13th, 1988 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

3/27/84

6d
(11)

SCHEDULE "A"

7 Gerrard Street
Hamilton, Ontario

Owners' Interest
Willi Richard Parow
Hedwig Maria Parow

ELEMENTS OF COMPENSATION:

Market Value of Realty	\$36,000.00
Legal Fees, 7 Gerrard Street - Mr. T. Whelan	500.00
TOTAL COMPENSATION	<u><u>\$36,500.00</u></u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$36,500.00 is full and final payment of all compensation, interest and cost whatsoever which Willi Richard Parow and Hedwig Maria Parow, might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 7 Gerrard Street, Hamilton, Ontario

DATED at HAMILTON this 24th day of September 19 87

WITNESS:

Irene Sadoski

Willi R. Parow
WILLI RICHARD PAROW

Irene Sadoski

Hedwig Maria Parow
HEDWIG MARIA PAROW



THE CORPORATION OF THE CITY OF HAMILTON

6d.
(v)

FROM D.W.Vyce, Director of Property DATE 1987 September 8
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.110(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City - 9 Gerrard Street - 573667 Ontario Ltd.

RECOMMENDATION

That an Option to Purchase the property at 9 Gerrard Street duly executed by 573667 Ontario Ltd. (Norman Ferguson, President) on September 8, 1987 and scheduled for closing on or before November 25, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 95 feet (28.95 metres) and comprising an approximate area of 1,805 square feet (167.68m²) together with structures erected thereon. The purchase price of \$38,500.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from 573667 Ontario Ltd. for the purchase by the City of part of Lot 54, Plan 471, having a frontage on the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less by a depth of 28.95 metres (95 feet) more or less, containing an area of 167.68 square metres (1,805 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 9 Gerrard Street, for the sum of \$38,500.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

BETWEEN: 573667 ONTARIO LTD.

Mr. Eldon Hunt
Barrister & Solicitor
In care of 2019 Caroline St. E., Box 190
Burlington, Ontario
L7R 3Y2

Hereinafter called "the Owner"
OF THE FIRST PART:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Part of Lot 54, Plan 471, having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less by a depth of 28.95 metres (95 feet) more or less, containing an area of 167.68 square metres (1,805 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 9 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" - attached hereto.

The purchase price of the said property shall be the sum of THIRTY-EIGHT THOUSAND, FIVE HUNDRED DOLLARS (\$ 38,500.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 6th day of October 1987, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/agent at the above address.

In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before November 25th, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at HAMILTON this 24 day of September 1987

SIGNED, SEALED AND DELIVERED
in the presence of

[Signature]

) 373667 ONTARIO LTD.
) *[Signature]* (Seal)
) PRESIDENT.
) (Seal)
) (Seal)
) (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O. 1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Witness

Spouse

(Seal)

Year Month Day
Date

6d
(v)

SCHEDULE "A"

9 Gerrard Street
Hamilton, Ontario

Owner's Interest
573667 ONTARIO LTD.

ELEMENTS OF COMPENSATION:

Market Value of Realty	\$38,000.00
Legal Fees, 9 Gerrard Street - Mr. E. Hunt	<u>500.00</u>
TOTAL COMPENSATION	<u>\$38,500.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$38,500.00 is full and final payment of all compensation, interest and cost whatsoever which 573667 Ontario Ltd., might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 9 Gerrard Street, Hamilton, Ontario

DATED at Hamilton this 8th day of September 19 87

WITNESS:

[Signature]

573667 ONTARIO LTD.

[Signature]
PRESIDENT

6d.
SEP 02 1987
(vi)

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 September 1
Name & TitleFOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.123(4505)TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
CommitteeSUBJECT

Purchase by the City - 10 Gerrard Street - Tony Dilello

RECOMMENDATION

That an Option to Purchase the property at 10 Gerrard Street duly executed by Tony Dilello on August 27, 1987 and scheduled for closing on or before November 20, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 26.67 feet (8.13 metres) by a depth of 80 feet (24.38 metres) and comprising an approximate area of 2,133.6 square feet (198.2m²) together with structures erected thereon. The purchase price of \$49,500.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Tony Dilello for the purchase by the City of Lot 34, Plan 471, having a frontage on the southerly limits of Gerrard Street of 26.67 feet (8.13 metres) more or less by a depth of 80 feet (24.38 metres) more or less, containing an area of 2,133.6 square feet (198.21m²) more or less, together with all buildings erected thereon and known as Municipal No. 10 Gerrard Street, Hamilton, Ontario for the sum of \$49,500.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

BETWEEN: TONY DILELLO

In care of Mr. George Petrini
Barrister & Solicitor
242 James St. South
Hamilton, Ontario L8P 2C3

Hereinafter called "the Owner"
OF THE FIRST PART:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$ 1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Lot 34, Plan 471, having a frontage on the southerly limits of Gerrard Street of 26.67' (8.13m) more or less by a depth of 80' (24.38m) more or less, containing an area of 2,133.6 sq.ft. (198.21m²) more or less, together with all buildings erected thereon and known as Municipal No. 10 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" attached hereto.

The purchase price of the said property shall be the sum of FORTY-NINE THOUSAND, FIVE HUNDRED DOLLARS (\$49,500.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 6th day of October 19 87, and may be accepted by a letter mailed or delivered to the owner/solicitor/agent at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before November 20th, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

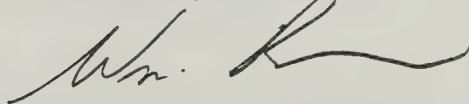
Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at Hamilton this 27 day of Aug 19 87

SIGNED, SEALED AND DELIVERED
in the presence of



) Tony Dilello (Seal)
) Tony Dilello (Seal)
) Tony Dilello (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O. 1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Witness Spouse (Seal) Year Month Day
Date 27 Aug 1987

6cd
- (11)

SCHEDULE "A"

10 Gerrard Street
Hamilton, Ontario

Owner's Interest
Tony Dilello

ELEMENTS OF COMPENSATION:

Market Value of Realty	\$49,000.00
Legal Fees, Re: 10 Gerrard - Mr. G. Petrini	500.00
TOTAL COMPENSATION	<u>\$49,500.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$49,500.00 is full and final payment of all compensation, interest and cost whatsoever which Tony Dilello might be entitled to as a result of the acquisition by The Corporation of the City of Hamilton of the land and buildings known as 10 Gerrard Street, Hamilton, Ontario.

DATED at Hamilton this 27 day of Aug 19 87

WITNESS:

W. J. Brown Tony Dilello
Tony Dilello



SEP - 2

6d
(vii)

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 September 1
Name & TitleFOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.124(4505)TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
CommitteeSUBJECT
Purchase by the City - 12 Gerrard Street - Maudy DilelloRECOMMENDATION

That an Option to Purchase the property at 12 Gerrard Street duly executed by Maudy Dilello on August 27, 1987 and scheduled to close on or before November 20, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 24 feet (7.315 metres) by a depth of 80 feet (24.38 metres) comprising an approximate area of 1,920 square feet (178.36m²) with structures erected thereon. The purchase price of \$47,500.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Maudy Dilello for the purchase by the City of Lot 35, Plan 471, having a frontage on the southerly limits of Gerrard Street of 24 feet (7.315 metres) more or less by a depth of 80 feet (24.38 metres) more or less, containing an area of 1,920 square feet (178.36m²) more or less, together with all buildings erected thereon and known as Municipal No. 12 Gerrard Street, Hamilton, Ontario for the sum of \$47,500.00.

Attch.

SEP 02 1987

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

6d (vii)

BETWEEN: MAUDY DILELLO

In care of Mr. George Petrini
Barrister & Solicitor
242 James St. S.
Hamilton, Ontario L8P 2C3

Hereinafter called "the Owner"
OF THE FIRST PART:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$ 1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Lot 35, Plan 471, having a frontage on the southerly limits of Gerrard Street of 24' (7.315 m) more or less by a depth of 80' (24.38m) more or less, containing an area of 1,920 sq.ft. (178.36m²) more or less, together with all buildings erected thereon and known as Municipal No. 12 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" attached hereto.

The purchase price of the said property shall be the sum of FORTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$ 47,500.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 6th day of October 19 87, and may be accepted by a letter mailed or delivered to the owner/solicitor/agent at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before November 20th, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

6d
(411)

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at Hamilton this 27 day of Aug 19 87

SIGNED, SEALED AND DELIVERED
in the presence of

) [Signature] (Seal)
) Maudy Dilello
) _____ (Seal)
) _____
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O. 1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Witness

Spouse

(Seal)

Year Month Day
Date

60
(VII)

SCHEDULE "A"

12 Gerrard Street
Hamilton, Ontario

Owner's Interest
Maudy Dilello

ELEMENTS OF COMPENSATION:

Market Value of Realty	\$47,000.00
Legal fees re: 12 Gerrard St. - Mr. Petrini	500.00
TOTAL COMPENSATION	<u>\$47,500.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$47,500.00 is full and final payment of all compensation, interest and cost whatsoever which Maudy Dilello might be entitled to as a result of the acquisition by The Corporation of the City of Hamilton of the land and buildings known as 12 Gerrard Street, Hamilton, Ontario.

DATED at Hamilton this 27 day of June 19 77

WITNESS:

Maudy Dilello

6d
SEP - 2 1987
(viii)

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 September 1
Name & TitleFOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.126(4505)TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
CommitteeSUBJECT

Purchase by the City - 24 Gerrard Street - Stella Zaras

RECOMMENDATION

That an Option to Purchase the property at 24 Gerrard Street duly executed by Stella Zaras on August 26, 1987 and scheduled to close on or before November 23, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 19 feet (5.79 metres) by a depth of 80 feet (24.38 metres) comprising an approximate area of 1,520 square feet (141.20m²) with structures erected thereon. The purchase price of \$36,500.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Stella Zaras for the purchase by the City of Lots 40 and 41, Plan 471, having a frontage on the southerly limits of Gerrard Street of 19 feet (5.79 metres) more or less by a depth of 80 feet (24.38 metres) more or less, containing an area of 1,520 square feet (141.20 square metres) more or less, together with all buildings erected thereon and known as Municipal No. 24 Gerrard Street, Hamilton, Ontario for the sum of \$36,500.00.

Attch.

SEP 02 1987

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

BETWEEN: **Stella Zarns**

In care of **Edward F. Cain**
Barrister and Solicitor
340 Main Street East
Hamilton, Ontario L8N 1J1
THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the Owner"
OF THE FIRST PART:

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lots 40 and 41, Plan 471, having a frontage along the southerly limits of Gerrard Street of 19 feet (5.79 metres) more or less by a depth of 80 feet (24.38 metres) more or less, containing an area of 1,520 square feet (141.20 square metres) more or less, together with all buildings erected thereon and known as Municipal No. 24 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) none attached hereto.

The purchase price of the said property shall be the sum of THIRTY-SIX THOUSAND FIVE HUNDRED DOLLARS (\$36,500.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 6th day of October 19 87, and may be accepted by a letter mailed or delivered to the ~~owner/solicitor/agent at~~ the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before November 23, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

6d
(viii)

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser; said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada-Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at HAMILTON this 26th day of August 1987.

SIGNED, SEALED AND DELIVERED
in the presence of

[Signature]

STELLA ZAKS
) *Stella Zaks* (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O. 1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Witness

Spouse

(Seal)

Year Month Day
Date

3/27/84

6d
(viii)

SCHEDULE "A"

24 Gerrard Street
Hamilton, Ontario

Owner's Interest

ELEMENTS OF COMPENSATION

Market Value of Realty.....	\$ 36,000.00
Legal Fees, Re: 24 Gerrard Street, MR. E. Cain.....	\$ 500.00
TOTAL COMPENSATION	\$ 36,500.00

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$36,500.00 is full and final payment of all compensation, interest and cost whatsoever which Stella Zaras might be entitled to as a result of the acquisition by The Corporation of the City of Hamilton of the land and buildings known as 24 Gerrard Street, Hamilton, Ontario.

DATED at HAMILTON this 26th day of August 1987.

WITNESS:

Stella Zaras Stella Zaras
STELLA ZARAS



THE CORPORATION OF THE CITY OF HAMILTON

6d
(ix)

FROM D.W.Vyce, Director of Property DATE 1987 September 8
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.120(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City - 29 Gerrard Street - 573667 Ontario Ltd.

RECOMMENDATION

That an Option to Purchase the property at 29 Gerrard Street duly executed by 573667 Ontario Ltd. (Norman Ferguson, President) on September 8, 1987 and scheduled for closing on or before November 25, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 100 feet (30.48 metres) and comprising an approximate area of 1,900 square feet (176.51m²) together with structures erected thereon. The purchase price of \$34,500.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from 573667 Ontario Ltd. for the purchase by the City of part of Lot 46, Plan 471, having a frontage on the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less by a depth of 30.48 metres (100 feet) more or less, containing an area of 176.51 square metres (1,900 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 29 Gerrard Street, for the sum of \$34,500.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

BETWEEN: 573667 ONTARIO LTD.

In care of Mr. Eldon Hunt
Barrister & Solicitor
2019 Caroline St. E., Box 190
Burlington, Ontario L7R 3Y2

Hereinafter called "the Owner"
OF THE FIRST PART:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Part of Lot 46, Plan 471, having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less by a depth of 30.48 metres (100 feet) more or less, containing an area of 176.51 square metres (1900 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 29 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" - attached hereto.

The purchase price of the said property shall be the sum of THIRTY-FOUR THOUSAND, FIVE HUNDRED DOLLARS (\$34,500.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 6th day of October 19 87, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/agent at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before November 25th, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

6d
(1x)

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at HAMILTON this 8th day of September 19 87.

573667 ONTARIO LTD.

SIGNED, SEALED AND DELIVERED
in the presence of

J. Lush

) *[Signature]* (Seal)
) PRESIDENT (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O. 1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Witness _____ Spouse _____ Date Year Month Day
(Seal)

6d
(1X)

SCHEDULE "A"

29 Gerrard Street
Hamilton, Ontario

Owner's Interest
573667 ONTARIO LTD.

ELEMENTS OF COMPENSATION:

Market Value of Realty	-	\$34,000.00
Legal Fees, 29 Gerrard St. Mr. L. Hunt	-	\$ 500.00
TOTAL COMPENSATION		<u>\$34,500.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$34,500.00 is full and final payment of all compensation, interest and cost whatsoever which 573667 Ontario Ltd. might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 29 Gerrard Street, Hamilton, Ontario.

DATED at Hamilton this 8th day of September 19 57

WITNESS:

D. G. G. G.

573667 ONTARIO LTD.

[Signature]
PRESIDENT

FOR ACTION

7a.

TO: Planning and Development Committee

DATE: August 24, 1987

FROM: Urban Design Committee

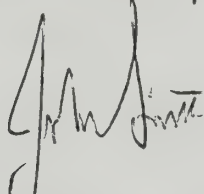
FILE: P5-4-7-13

SUBJECT

A Commercial Sign Study.

RECOMMENDATION

That a Commercial Sign Study be included in the Planning and Development Department's work program for 1988.



Alderman John Smith.
Chairman, Urban Design Committee

EXPLANATORY NOTE

A study of how commercial signs can enhance key areas is being requested by the Urban Design Committee.

BACKGROUND

- o At the request of CAPIC, a sign study was included for consideration in the 1987 work program for the Planning and Development Department.
- o The sign study was to examine existing provisions and make recommendations for future signage.
- o LACAC referred the matter of signs in areas of architectural and historic importance to the Urban Design Committee.
- o The Urban Design Committee discussed the subject on June 22, 1987. Signage in areas of architectural and historic significance and gateways was felt to be an important element in determining the character of an area.

DG/sdj
WP 0056P

MEMORANDUM • CITY OF HAMILTON

70.

PS-4.7-13

VA *af*
TO :

Mr. Victor Abraham
Director of Local Planning

YOUR FILE :

DG *VM*
FROM :

John Thompson, Secretary,
LACAC

OUR FILE :

VM *VM*
SUBJECT :

Sign Guidelines

DATE : 1987 June 4

At its meeting held May 25, 1987 LACAC adopted the following recommendation:

"That the Planning and Development Department be requested to investigate the possibility of applying signage control to areas of architectural and historical importance".

Background

John Thompson

- The publication from the Ministry of Housing, "Planning and Design for Commercial Facade" provides guidelines, which are attached for your review.

JT:mc

cc: Nina Chapple
Architectural Historian

PLANNING AND DESIGN FOR
COMMERCIAL FACADE IMPROVEMENTS



Signboards and Signage

- *Restrict signs to storefront.*
- *Use no more than three signs.*
- *Use no more than one large sign. The large sign should be flat and located on the signboard.*
- *Additional signs should be small.*
- *Limit information on signs.*
- *Signage lettering should be simple and straight forward.*
- *Remove all large, projecting signage.*
- *Remove all other overly large and inappropriately located signage.*

Signage has a strong impact on a commercial area and in the recent past has tended to overshadow the facade (London, l). Properly placed on the storefront, smaller carefully executed signs can create a dramatic effect (Stratford, r).



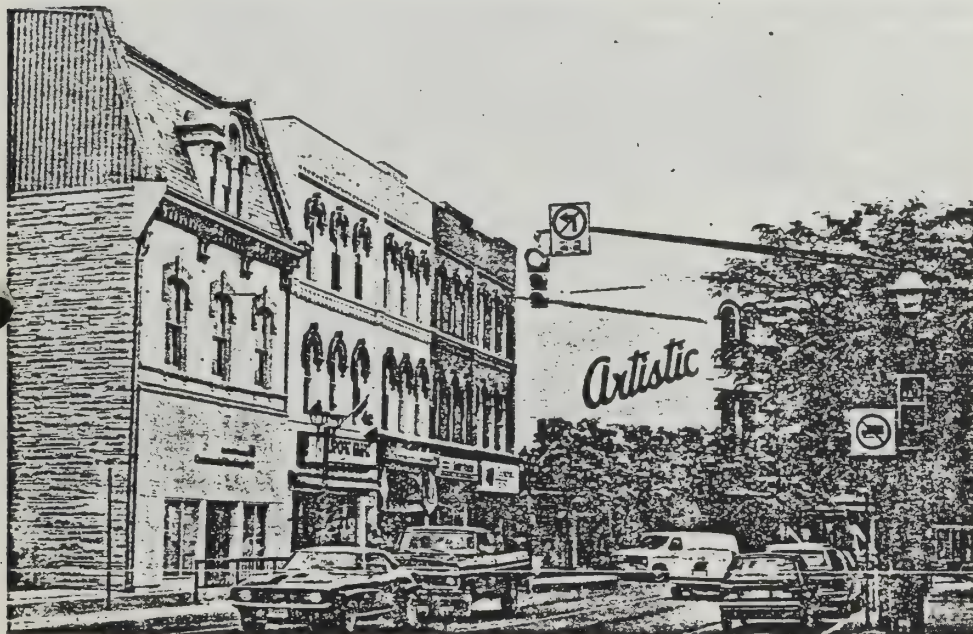
An attractive, well maintained facade is the most effective form of store identification and advertising. Improperly located signs, which are excessive in scale or poorly maintained, are common on the facades of Ontario's commercial streets. They are one of the major visual problems in commercial areas today.

Signage has always played a key role on the streets of commercial areas. The signage problems of today were avoided in the past largely because signage was a local craft. Local sign makers used a limited number of materials, applying them within known and well respected patterns. The result was a coordinated and more effective commercial area. Mass production has largely replaced the locally sensitive methods with a more standardized, international approach provided by the major sign manufacturers. Signs, however, can still be designed to fit the local context, frequently at less cost.

Size and Location

Many municipalities recognize the importance of proper sign location and size, and have enacted local sign bylaws. These by-laws restrict or limit the size, location, projection over sidewalks and types of fasteners used for signs. Before considering new signage the municipality should be consulted in order to determine specific local requirements.

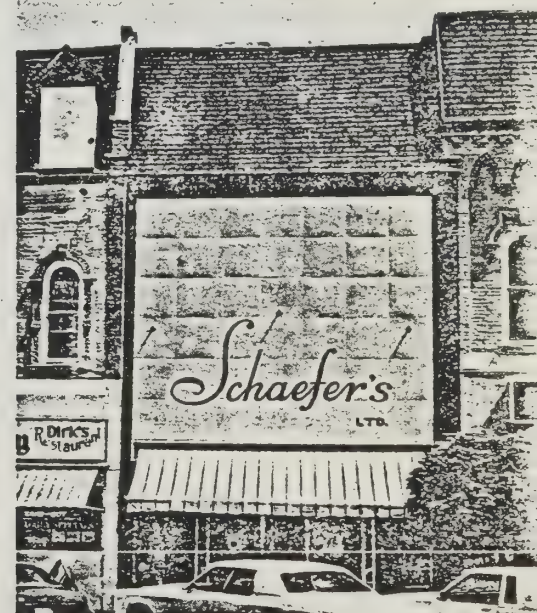
Signage should not overpower the facade; it is very important to remember that the streets in these areas are not highways. The scale of facades and most local streets are geared to pedestrians and relatively slow traffic. There is no need for large signs that often obliterate and waste the many valuable assets of the facade. Bigger and brighter is not better. The location of the store name and logo on a facade should be restricted to two or three areas; the signboard, the display windows or storefront door, the awnings or projecting signs. In any other location it is difficult to achieve positive results, in terms of signs which are both effective and supportive of the facade and the street.



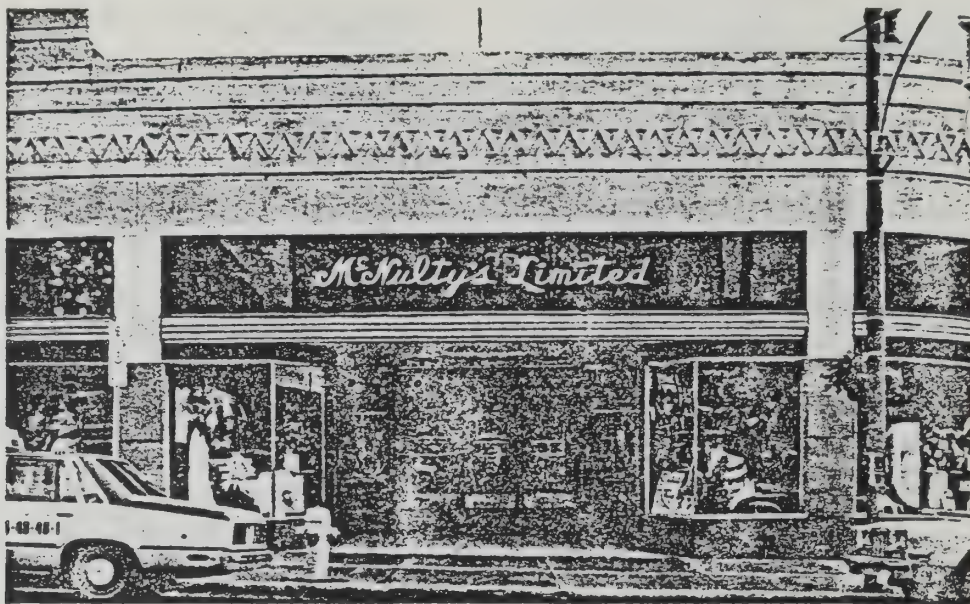
There are many large projecting signs that when viewed individually are visually interesting and colourful. However all signs of this type, whatever their individual quality, are usually counterproductive when used in traditional commercial areas; they often dominate the storefront as well as the entire facade and they almost always interrupt the patterns and continuity of the street.

The signboard is located above the display windows and transoms and below the storefront cornice. Occasionally the signboard itself acts as a cornice to the storefront. This is the best location for the largest signs. As with other parts of the storefront, the signboard should fit in with the rest of the facade and should not span more than one storefront. In cases where the operations of a store have expanded into a number of adjoining storefronts, individual, repeating signboards should be considered for each of the original storefronts.

Despite attractive lettering, both these signs obscure the original facades and disrupt the continuity of the street.



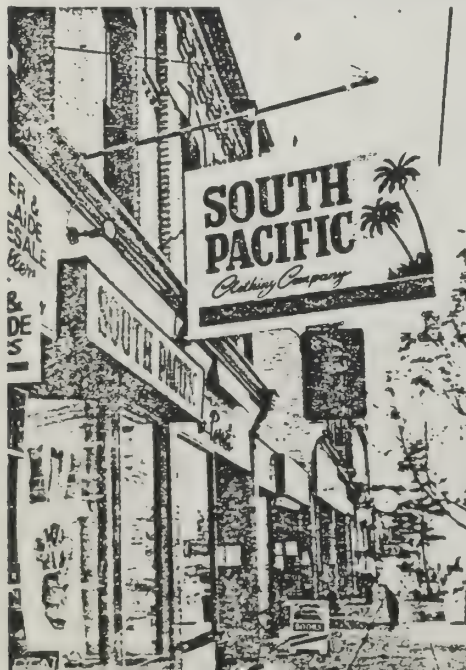
The storefront signboard is the best location for a large sign (Thunder Bay).



Repeating signboards work well for multi-bayed storefronts and are the best solution for stores whose operations have expanded into adjoining storefronts (Toronto).



Small overhead signs with simple lettering provide information for the pedestrian and do not detract from the storefront (Toronto).



Materials and Design

Individual letters applied to the face of the signboard are, as a rule, more attractive than sign boxes and much easier to maintain. Signs should be lighted by an external source, such as a spot light or flood light. Simple straightforward lettering is best. Two factors that should be considered are that the lettering should reflect the business's image and the style should relate to the overall design and historic period of the storefront. If an internally lighted sign box must be used, a dark background with light letters is a better choice. Accumulated dust and dirt inside the box is less visible and the overall visual affect is less garish.

Good signboards can be fabricated from marine exterior plywood. The addition of a moulding around the edges will not only enhance the appearance of the signboard, it will also retard water penetration at the edges. A wide variety of lettering styles are available in wood, metal, several types of plastic and molded fibre glass. The need for painting may be a consideration in a selection. As a rule, matte finishes show soiling less than glossy finishes.

Smaller scale painted signage in display windows or doors positioned at eye level can be particularly effective when used in conjunction with the signboard or hanging signs. When on the signboard, the signs are designed to be primarily



Product signs can be misleading. This store sells not only cigarettes, but also groceries and, health and beauty aids (Toronto).

It is occasionally assumed that one kind of sign is as good as another and the least expensive is therefore the best. Mass produced signs, sponsored by product manufacturers (soft drinks, film, cigarettes etc.), are usually the cheapest of the large, internally lighted, sign box variety. In addition to the common problems associated with sign boxes, these product signs sometimes restrict the number of potential customers, projecting an overly limited range of products and services.

Custom-made signs often cost less and show more concern for the quality of the business. The advice of a professional graphic designer should be sought, but talented local sign makers can also do a good job. In either case, consistency of lettering and quality is more important to remember than size.

Information on any sign should be limited; the shortest message has the greatest impact. Commonly understood symbols can also be very effective, sometimes requiring no further information or lettering.

The removal of overly large and/or inappropriately located signage is among the first steps in improving both the facade and the street. The costs are small, the effect is dramatic and the results are immediate.

Signs should be well maintained. From time to time a visual inspection of the fasteners used to attach signs to walls will reduce potential problems in the future. Unkempt signage is an eye-sore and detracts from the appearance of the building and the streetscape in general.



In some situations, filigree neon signage can be unique and eye-catching without being disruptive; individual lettering applied directly to the facade can be equally effective (both Toronto).





8(a)

THE CORPORATION OF THE CITY OF HAMILTON

FROM L.A.C.A.C. DATE 1987 September 11
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. _____

TO: CITY COUNCIL ☐ (OR) Planning & Development ☒
Committee

SUBJECT

West Avenue School

RECOMMENDATION

- (a) That the Director of Property not proceed with the demolition of West Avenue School located at West Avenue and Barton Street East.
- (b) That West Avenue School be designated under the Ontario Heritage Act (see attached report) for its architectural and historical significance.
- (c) That alternative uses for the original 1885 school building be investigated.

BACKGROUND

The Planning and Development Committee at its meeting held 1987 August 12 tabled L.A.C.A.C.'s recommendation that the Director of Property not proceed with the demolition of West Avenue School until such time as alternative uses for the original 1885 school building have been investigated.

The school building was inspected by members of the Research Sub-Committee and report that:

"In spite of a number of inappropriate alterations and additions (bricked in windows, enclosed metal fire escape, etc.) the original 1885 school building and 1921 rear addition are still largely intact. An inspection of the interior revealed that the classrooms and hallways (including the hardwood floors and wood wainscoting) are in very good condition. The roof of the oldest portion of the school is supported by a single-span truss system which would permit any of the partition walls to be moved or removed, thereby providing maximum flexibility for subdividing the interior space."

The building was also inspected by Architect Trevor Garwood-Jones who reports that:

"We have inspected the above school and it appears to be structurally sound. Our inspection was confined to a visual inspection only. The structure would be adequate for office, institutional or residential use."

The Hamilton General Hospital has indicated that they do not require any additional parking space (see attached letter).

The parking requirements of local residents are currently being investigated.

West Avenue School

The following are reasons for the building's architectural and historical significance:

1. West Avenue School (built 1885) is one of the few remaining 19th Century Schools in Hamilton. Only four others still stand:
 - Centre Public School built 1853
 - Mohawk Trail School built 1882
 - Wentworth Street School built 1889
 - Stinson School built 1894
2. Hamilton originally had an outstanding collection of Victorian School Buildings; six major structures have been demolished since the 1960's:
 - Benetto School (Picton St. School) 1888-1965
 - Cannon St. School 1876-1971
 - Hess St. School 1881-1974
 - Queen Victoria School 1887-1971
 - Ryerson School 1889-1978
 - Strathcona School 1894-1984
3. Architecturally West Avenue School is significant as a substantial brick Victorian School House of characteristically tall proportions and ornamental brickwork that is particularly distinguished by its original highly decorative central belltower. The school was designed by Hamilton Architect Lucien Hills. Later additions to the front facade obscure the building's authentic architectural character.
4. Structurally, the building is in sound condition, and is considered to have considerable potential for recycling for other uses. (See attached letter from Trevor Garwood-Jones).
5. In terms of the Barton streetscape, the school building is a prominent structure, which if renovated could act as an important component of the streets urban fabric.
6. The school building also acts as a buffer between the quieter residential neighbourhood of West Avenue and the commercial and heavy through-traffic activity on Barton Street.
7. The school building, if the recent additions were removed, occupies only approximately 25% of the present site.



HAMILTON

CIVIC

HOSPITALS

HAMILTON, ONTARIO

ESTABLISHED 1850

8(a)
HAMILTON GENERAL HOSPITAL
BARTON STREET EAST
HAMILTON, ONTARIO L8L 2X2
TEL. 527-0271

HENDERSON GENERAL HOSPITAL
CONCESSION STREET
HAMILTON, ONTARIO L8V 1C3
TEL. 389-4411

August 11, 1987

Mrs. D. Dent
Chairperson, LACAC
City Hall
71 Main St. W.
Hamilton, Ontario
L8N 3T4

Dear Mrs. Dent:

Re: Parking Requirements - Hamilton General Hospital

I am writing on behalf of the Hamilton Civic Hospitals, confirming my conversation with Mr. A. Butler on August 7, 1987.

The Hamilton Civic Hospitals do not anticipate the need for additional parking space at the site of the Hamilton General Hospital at 237 Barton Street East for the foreseeable future.

The parking squeeze we were previously experiencing has been alleviated through the acquisition in early 1986 of 3.61 acres of property formerly owned by Stelco at 334 Wellington Street North, which we have developed primarily for parking purposes.

If you wish to discuss the matter further, please feel free to contact me.

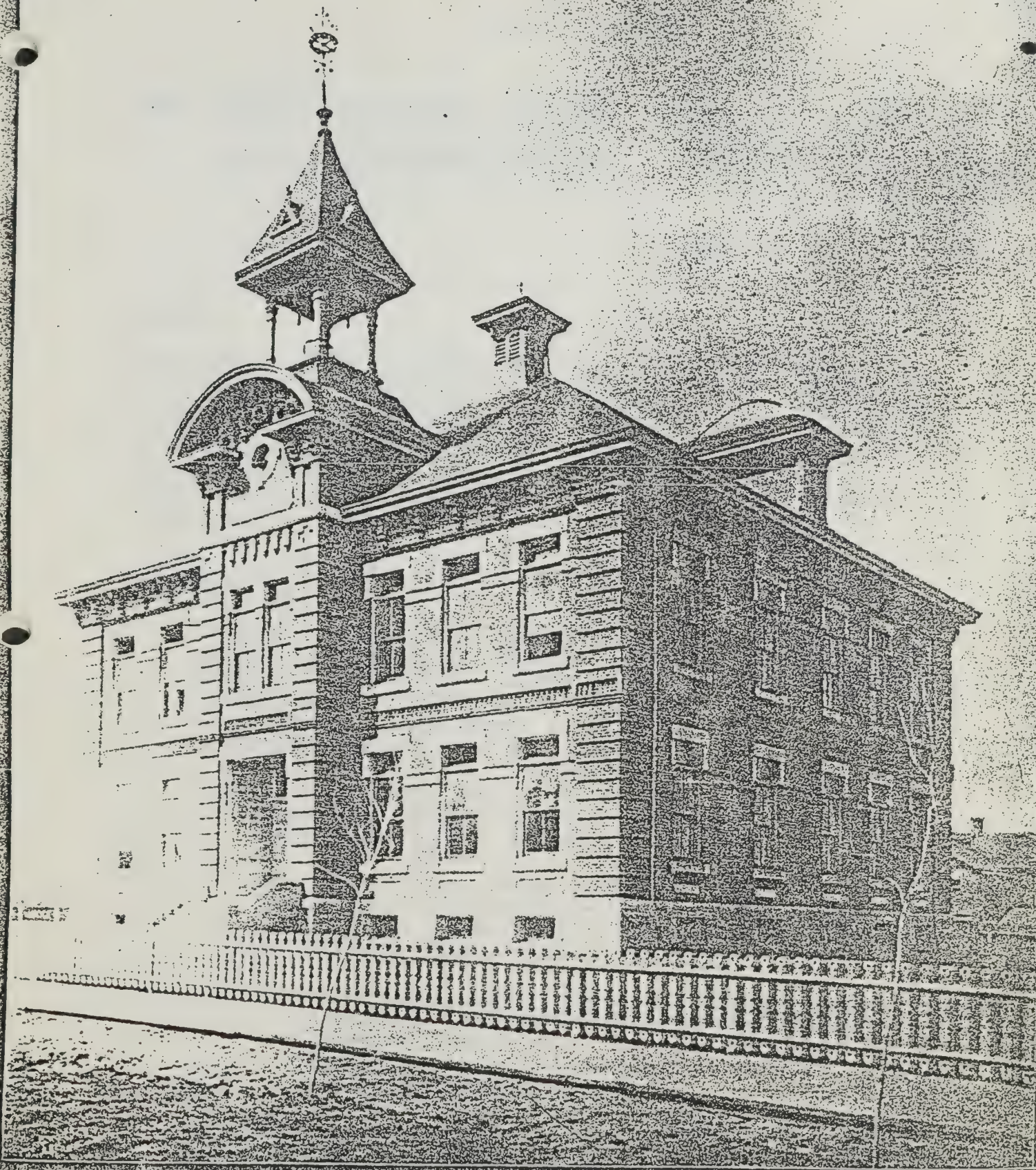
Yours truly,

A handwritten signature in cursive script, reading "Colleen Geiger".

Colleen Geiger
Director - Special Projects

/jb

cc: Mr. T. Butler
Mr. D.J. Watts
Dr. W.E. Noonan



1888

PHOTOGRAPHER: WILLIAM FARMER

9.

DATE August 26, 1987

Refer To File No. ZA-87-56

ELEANOR NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "L-C" (Planned Development Commercial) District, modified to "G" (Neighbourhood Shopping Centre, etc.) District for properties at No. 1512 and part of No. 1504 Upper Gage Avenue, as shown on the attached map. The purpose of the application is to permit development of the subject properties for a shopping plaza having a building area of approximately 1,595 m² (17,166 sq. ft.). In addition, the applicant proposes a pylon sign which is not permitted within the "G" (Neighbourhood Shopping Centre, etc.) District.

RECOMMENDATION

1. That approval be given to Zoning Application 87-56, Rami Goldman and Leo Erez, owners, for a change in zoning from "L-C" (Planned Development - Commercial) District, modified, to "G" (Neighbourhood Shopping Centre, etc.) District for properties at No. 1512 and Part of No. 1504 Upper Gage Avenue, as shown on the attached plan marked as APPENDIX "A" on the following basis:
 - i) That the subject lands be rezoned from "L-C" (Planned Development - Commercial) etc. District to "G" (Neighbourhood Shopping Centre, etc.) District;
 - ii) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-Law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:
 - a) that a 3.0 m (9.84 ft.) wide landscaped planting strip be established along the westerly property line adjoining the "D" residential district, and a 1.2 m (3.94 ft.) to 2.0 m (6.56 ft.) high visual barrier be located within the landscaped planting strip.
 - iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-38D be notated S- ;

- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D;
 - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That the amending By-law not be forwarded for passage by City Council until the following conditions have been satisfied:
- a) That the applicant acquires from the City of Hamilton the 10.525 m wide strip of land adjoining the subject lands to the north.


EXPLANATORY NOTE

The purpose of the By-Law is to provide for a change in zoning from "L-C" (Planned Development - Commercial) District to "G" (Neighbourhood Shopping Centre, etc.) District for properties located at No. 1512 and part of No. 1504 Upper Gage Ave. as shown on the attached map.

In addition, the By-Law requires that a 3.0 m (9.84 ft.) wide landscaped planting strip and a 1.2 m (3.04 ft.) to 6.0 m (6.50 ft.) high closed fence be established along and within the westerly property line adjoining the residential district.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Rami, Goldman and Leo Erez, owners.

LOT SIZE AND AREA

- 57.77 m (189.53 ft.) of lot frontage on Upper Gage Avenue;
- 86.25 m (283.0 ft.) of lot depth; and,
- 4,982.06 m² (53,628.2 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Single-family dwelling	"L-C" (Planned Development Commercial) District
<u>Surrounding lands</u>		
To the north	Vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
To the south	Single-family dwellings	"L-C" (Planned Development Commercial) District
To the east	Single-family dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
To the west	Vacant lands	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District

OFFICIAL PLAN

Designated "Commercial", the proposal complies.

NEIGHBOURHOOD PLAN

Designated "Commercial" on the approved Eleanor Neighbourhood Plan, the proposal complies.

BACKGROUND

The City Real Estate Department has advised that a 10.525 m (34.5 ft.) wide strip of City-owned land along the northerly property line of the subject lands is to be sold to the applicants and incorporated into the development. In this regard, the applicants have amended the zoning application to include this strip of land.

The applicants have submitted a preliminary site plan for the proposed commercial development which proposes a one-storey commercial building having a total gross floor area of 1,660.00 m² (17,868.68 sq. ft.). A total of 40 off-street parking spaces and one 3.7 x 18.0 x 4.5 m loading space is provided. A pylon sign with an unspecified sign area is proposed to be located at the future intersection of Upper Gage Avenue and the proposed neighbourhood entrance road. A 1.5 m wide landscaped planting strip is provided between the street lines and the parking area.

ECONOMIC FACTORS

The applicants have advised that the total cost of the project will be between \$501,000 and \$1,000,000, and that products and components required will be supplied from firms in the Hamilton-Wentworth Region.

COMMENTS RECEIVED

- The Building Department has advised that:

"a variance is required to permit the proposed pylon on ground sign".
- The Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee have no comments or objections.
- The Traffic Department has advised that:

"The proposed change in zoning to permit the commercial development is satisfactory, however, the development of the subject lands as shown on the preliminary plan may restrict the future design of the commercial development on the lands to the south that are also designated for commercial use in the approved neighbourhood plan. As an alternative, we suggest that a land assembly be considered to provide for the comprehensive development of a neighbourhood commercial plaza.

Our detailed review of the site plan will take place at the site plan control stage of development should the change in zoning be approved."
- The Hamilton-Wentworth Engineering Department has advised in part as follows: (for full comments see the attached letter)

"The designated road allowance width of Upper Gage Avenue is 36.58 m (120 feet), the proposed street is 26.21 m (86 feet) and the daylight triangle is 12.19 m x 12.19 m (40 x 40 feet). As a condition of development approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 feet) from the centre line of Upper Gage Avenue. In addition, we advise that the City of Hamilton purchased a strip of land 36.52 m (119.83 feet) in width for future neighbourhood street purposes. In order to minimize the offset to approximately 1.5 m (5 feet) with the proposed neighbourhood collector street on the east side of Upper Gage Avenue, this 26.21 m street will be constructed on the north side of the lot. This will leave a strip of land 10.525 m (34.5 feet) between the proposed street and the applicants' northerly property line (excluding daylight triangle). Therefore, we recommend as a condition of development approval, that the applicant enter into negotiations and an agreement with the City of Hamilton to purchase this remnant section of City lands to insure that development occurs in an orderly manner."

The applicant should also be advised of and required to pay any costs associated in mid-block collector street services recovery.

According to our records, there appears to be a Bell Telephone easement running east-west through the subject lands. The plan submitted by the applicant indicates that he intends to construct buildings on this easement. We advise and recommend that prior to any development approval,, the applicant contact the respective utility firms with respect to permissible building location(s).

The applicant should also be advised that the future re-construction and widening of Upper Gage Avenue may include the construction of raised concrete median islands which may restrict access to the subject lands at some future date.

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the intent of the approved Eleanor Neighbourhood Plan.
3. The City Real Estate Department has advised that the applicants are negotiating to purchase the 10.525 m (34.5 ft.) wide strip of City owned land adjoining the northerly property line with the intention of including these lands in the proposed development.
4. The proposed land use and change in zoning from "L-C" (Planned Development - Commercial) District to a "G" (Neighbourhood Shopping Centre) District can be supported because it implements both the Official Plan and the approved Eleanor Neighbourhood Plan. It would be preferable if the applicants acquired the adjoining lands to the south to provide for a much larger comprehensive development. To date, the applicants have been unsuccessful in assembling the lands.
5. The application should be approved on the following basis:
 - a) that the applicants acquire the adjoining city-owned parcel of land to the north to facilitate alternative access and required parking in accordance with the submitted preliminary site plan for the shopping centre;
 - b) to provide privacy and protection for the properties within the adjoining "D" (Urban Protected Residential- One and Two-Family, Townhouses, etc.) District, a 3.0 m (9.84 ft.) wide landscaped planting strip be established along the westerly property line, and a 1.2 m (3.94 ft.) to 2.0 m (6.56 ft.) high visual barrier be located within the landscaped planing strip.

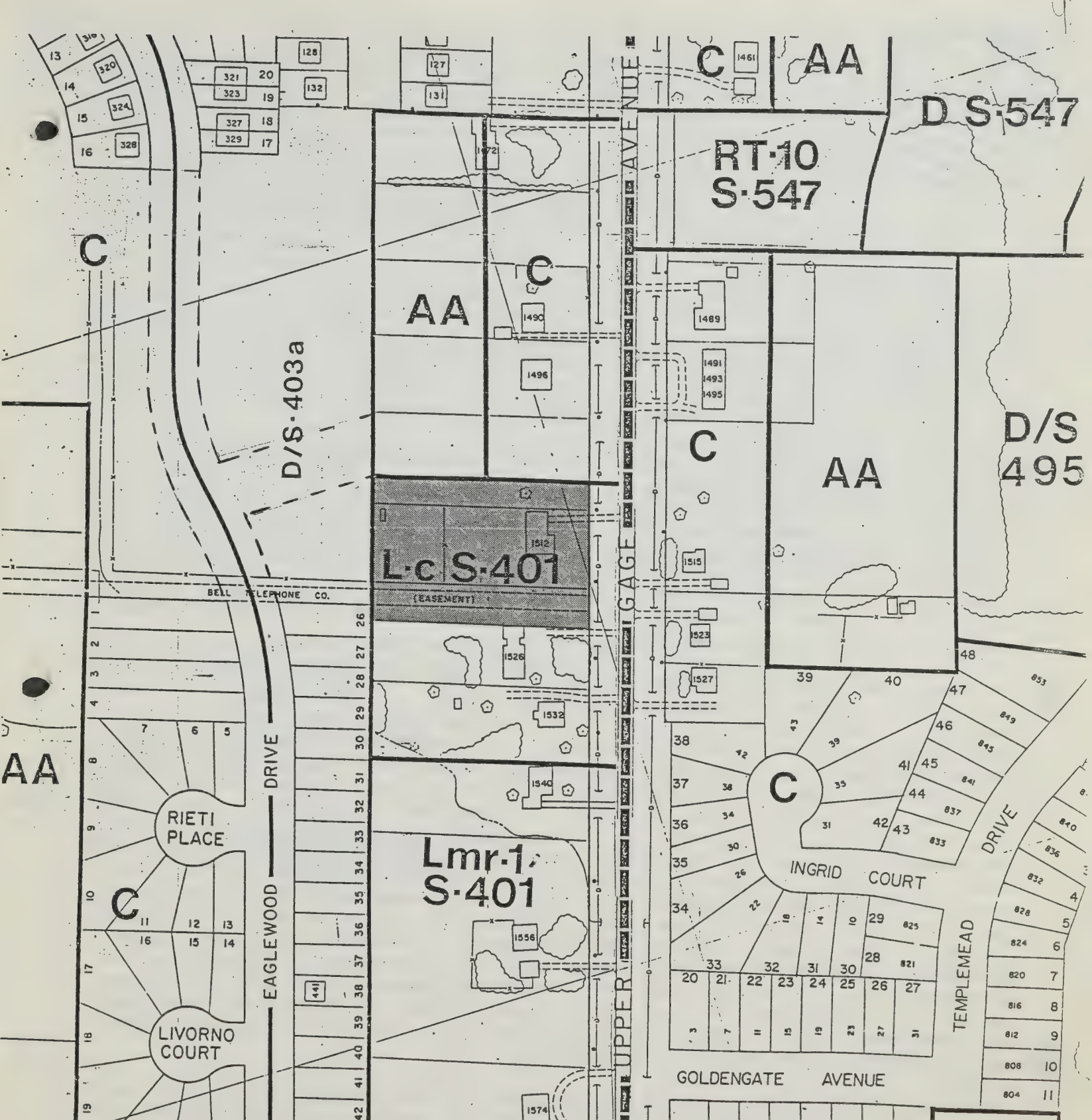
6. Regarding the proposed pylon sign, the "G" (Neighbourhood Shopping Centre) District does not provide for pylon or ground signs. The only type of signs permitted in the "G" District are wall signs which reflect the intent and character of the surrounding residential area. The requested variance cannot be supported as it would conflict with design principals of the "G" District and establish an undesirable precedent for future similar applications.
7. Development of the subject lands would be subject to the provisions of Site Plan Control By-Law 79-275 which would require the submission of site plans for the approval of the Planning and Development Committee prior to the issuance of a building permit. In this regard, matters dealing with the construction of any buildings or structures on the site as they related to the 20 ft. wide Bell Telephone Easement, landscaping, grading, site layout, etc., and access driveway system will be reviewed.

CONCLUSION

On the basis of the foregoing, the application can be supported.

G.A.W.:nd/cs

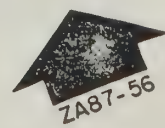
W.P. DOC. 0635P



LEGEND



SITE OF APPLICATION





THE REGIONAL MUNICIPALITY OF HAMILTON

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 8L4

PLANNING & DEVELOPMENT					
File No.		Received			
ZA-87-56		JUL 17 1987			
TO	STAFF	INIT.	INFO.	ACT.	
DIR.					
PP. & A.					
NEIGH.					
DEV.	JZ				
E. & U.D.					
S T A F F	GW				
CART.					
ADMIN.					

ID#0045D (45)

July 13, 1987

Refer to File No. E220-0501
Attention of T.L. Hearn
Your File No. ZA-87-56

TO: V.J. Abraham, Director, Planning Department
FROM: K.A. Brenner, Planning Manager, Engineering Department

RE: Zoning Application ZA-87-56 by Rami Goldman and Leo Erez
for a Change in Zoning from "LOS-401" to "G" Regulations
for Property Located at 1512 Upper Gage Avenue

Please be advised that public watermains are available to service the subject lands. However, sanitary and storm sewers have not been installed in this area as yet.

The designated road allowance width of Upper Gage Avenue is 36.58 m (120 feet), the proposed street is 26.21 m (86 feet) and the daylight triangle is 12.19 m x 12.19 m (40 x 40 feet). As a condition of development approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 feet) from the centre line of Upper Gage Avenue. In addition, we advise that the City of Hamilton purchased a strip of land 36.52 m (119.83 feet) in width for future neighbourhood street purposes. In order to minimize the offset to approximately 1.5 m (5 feet) with the proposed neighbourhood collector street on the east side of Upper Gage Avenue, this 26.21 m street will be constructed on the north side of the lot. This will leave a strip of land 10.525 m (34.5 feet) between the proposed street and the applicants' northern property line (excluding daylight triangle). Therefore, we recommend as a condition of development approval, that the applicant enter into negotiations and an agreement with the City of Hamilton to purchase this remnant section of City lands to insure that development occurs in an orderly manner.

The applicant should also be advised of and required to pay any costs associated in the mid-block collector street services recovery.

Any work within the adjacent road allowances, as widened, must conform to the respective Streets By-Laws. The plans submitted should be revised to reflect the road widenings and adjacent City Lands. The setbacks should be taken from the widened street limits.

continued....

-page 2-
July 13, 1987

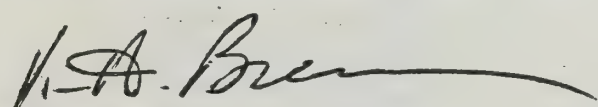
Zoning Application ZA-87-56 by Rami Goldman and Leo Erez
for a Change in Zoning from "LC-S401" to "G" Regulations
for Property Located at 1512 Upper Gage Avenue

continued.....

According to our records, there appears to be a Bell Telephone Easement running east-west through the subject lands. The plans submitted by the applicant indicate that he intends to construct buildings on this easement. We advise and recommend that prior to any development approval, the applicant contact the respective utility firms with respect to permissable building location(s).

Any roadway improvements which may be required on Upper Gage Avenue as a result of this development will be at the expense of the applicant/owner. Details of these roadway improvements, if required, will be finalized at the Site Plan control stage. The applicant should also be advised the future re-construction and widening of Upper Gage Avenue may include the construction of raised concrete median islands which may restrict access to the subject lands at some future date.

Access to the stub street can only be maintained at such time as the street is established and constructed.


TLH/HG:mc
Attach.

cc: M.A. Chidley, Regional Surveyor
cc: D. Vyce, City Real Estate

7-56

INST. No. 331226 A.B.

INST. No. 329027 A.B.
(MEAS.)

POST & WIRE FENCE

282.99'

*Lands to be
returned by fire City for
street purposes*

2 ST. FR.
HOUSE

39.72'

36.00'

5.34'

PL. R. I. B.

D. H. O. PLAN No. 831 MISC.

AVENUE

66'

ST. No. 329027 A.B. (rem.)

*26m
(85.32')*

*~10.53m
(34.53')*

POST & WIRE FENCE

282.99'

6.43'

6.32'

53.40'

1 ST. BR.
HOUSE
#1512

N 16° 32' 30" E.

119.83'

(PLAN No. 831 MISC. N 71° 31' 00" W. 17.01')

GAGE

(MEAS.)
(INST. No. 329027 A.B.)

INST. No. 155602 H.1.

CONCESSION

*Lands to be purchased
from the City of Hamilton*

FD. C. M.
D. H. O.

31.42' / 100.00'

1713.13'

UPPER

65'

*Lands to be dedicated to
the Region 10 ft*

TELEPHONE TOLL LINE (EASEMENT)

S.E. CORNER
LOT 7 CON. B

N 16° 32' 30" E.

(ROAD ALLOWANCE BETWEEN LOTS 6 AND 7) (FORMERLY THE KING'S HIGHWAY No. 55)

10.

F O R A C T I O N

FROM Planning and Development Department

DATE August 26, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-63

Westdale South Neighbourhood

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West. The purpose of the application is to permit an addition to the rear of the building occupied by Perri's Road House Restaurant to accommodate a new kitchen and additional dining area, notwithstanding that parking facilities are not being provided. In addition, the applicant proposes to have live entertainment, notwithstanding that the "G" Zoning District prohibits live entertainment.

RECOMMENDATION

1. The Zoning Application 87-63, 543003 Ontario Limited, owner, requesting a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West, as shown on the attached map marked as APPENDIX "A" be denied as submitted for the following reasons:
 - a) The existing restaurant and outdoor patio has a seating capacity of 45 persons, which generates a need for a minimum of eight off-street parking spaces. At present, no off-street parking spaces are provided. The proposed building addition will increase the seating capacity of the building to approximately 95 persons, which would generate a need for a minimum of 16 off-street parking spaces, which cannot be provided on site. The proposal is likely to create conflicts with surrounding property owners, should problems related to overflow parking onto neighbouring streets occur.
 - b) The proposal represents an overintensification of land use.

2. That approval be given to an amended Zoning Application 87-63, 543003 Ontario Limited, owner, for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West, as shown on the attached map marked as APPENDIX "A" on the following basis:

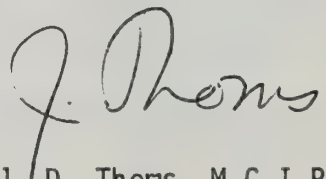
- i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-Law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:
 - 1. Notwithstanding the provision of Section 13.(i)(vii) of By-Law No. 6593, a musical entertainer shall be permitted to perform within the existing restaurant.
- ii) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-33 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map W-33; — and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-Law is to provide for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to permit a musical entertainer to perform within the existing restaurant located on the site which is otherwise prohibited by the Zoning By-Law.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

543003 Ontario Limited, owner.

LOT SIZE AND AREA

- 11.43 m (37.50 ft.) of lot frontage on Main Street West;
- 30.48 m (100.00 ft.) of lot depth; and,
- 348.38 m² (3,750.00 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	A one-storey restaurant with an outdoor patio	"G" (Neighbourhood Shopping Centre, etc.) District
<u>Surrounding Lands</u>		
To the north	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the south	A church and single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Two single-family dwellings and commercial uses	"G" (Neighbourhood Shopping Centre, etc.) District
To the west	A bank and commercial uses, including a medical office building	"G" (Neighbourhood Shopping Centre, etc.) District

OFFICIAL PLAN

Designated "Commercial", the proposal complies with the Official Plan, provided that the proponent demonstrates that the parking variance will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use.

NEIGHBOURHOOD PLAN

A Neighbourhood Plan is not available for the Westdale South Neighbourhood.

ECONOMIC FACTORS

The applicant has advised that the proposed building addition will employ approximately 10 people in the construction field from firms located in the City of Hamilton. The business expansion will generate one or two part-time and two full-time workers, and the total cost of the project will not exceed \$100,000.

BACKGROUND

The applicant has submitted a preliminary site plan of the proposal which provides for a 26.0 ft. by 24 ft. 1 in. addition to the rear of the one-storey building. The proposed addition will provide for the relocation and enlargement of the kitchen and provide for an increase in the seating capacity of the restaurant from a maximum of 45 persons to a maximum of approximately 95 persons (based on calculations from the plan submitted). Currently, no off-street parking spaces are provided for the 45 persons, which generates a need for eight parking spaces.

COMMENTS RECEIVED

- The Building Department has advised that without knowing what type of entertainment is to be provided, they cannot comment on the proposal. Off-street parking and loading is subject to Section 18A of By-Law 6593.

- The Traffic Department has advised that:

"We understand that the present restaurant has operated for the past three years without the provision of parking in accordance with the zoning by-law. As such, we would be prepared to accept modifications to the existing zoning to allow the present operation to continue and be modified to allow entertainment. We cannot, however, support any modifications to the zoning which would allow for an expansion of the existing operation without the provision of the full parking requirements (as per the zoning by-law). We believe that on-street parking could become a serious concern in the area if such an expansion were to occur. While we recognize the efforts of the applicant to attempt to provide additional off-site parking, this parking cannot be guaranteed and should not therefore be considered as a replacement for on-site parking.

In summary, we are prepared to accept changes in the zoning to allow entertainment, but we cannot support either a change in the parking requirement or an increase in the existing seating capacity without the full provision of required parking."

- The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains as well as combined storm and sanitary sewers are available to service the subject lands.

The Region has prepared functional plans for the widening and channelization of Main Street West from Paradise Road to Haddon Avenue. In conjunction with these plans, specific survey plans were prepared outlining lands required for these roadway improvements. It appears from these plans that the lands required to construct these works will be acquired only on the south side of this section of Main Street West. The applicant may wish to attend this office to discuss these preliminary plans with our staff.

Any work within the Main Street West road allowance must conform to the respective Streets By-laws.

For the information of the applicant, the alley to the rear of the subject lands is public unassumed."

- The Hamilton Region Conservation Authority has no comments.

COMMENTS

1. As set out in Policy A.2.2.37 of the Official Plan where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use. The applicant has advised that while he may be able to provide off-street parking in the vicinity, he cannot obtain a long term lease to guarantee the continuance of the required parking spaces. On this basis, the proposal would appear to conflict with the intent of the Official Plan.
2. The proposal to increase the seating capacity of the restaurant by approximately 50 persons (45 to 95 persons) by the construction of the proposed addition cannot be supported because:
 - Under its current status, the existing restaurant and outdoor patio is legal non-conforming in terms of not providing eight off-street parking spaces for the current seating capacity of 45 persons.
 - The proposed addition would generate a need for an additional eight off-street parking spaces which cannot be provided on the site as required by the zoning by-law.
 - Approval of the application as submitted will only add to problems associated with on-street parking in the surrounding area.

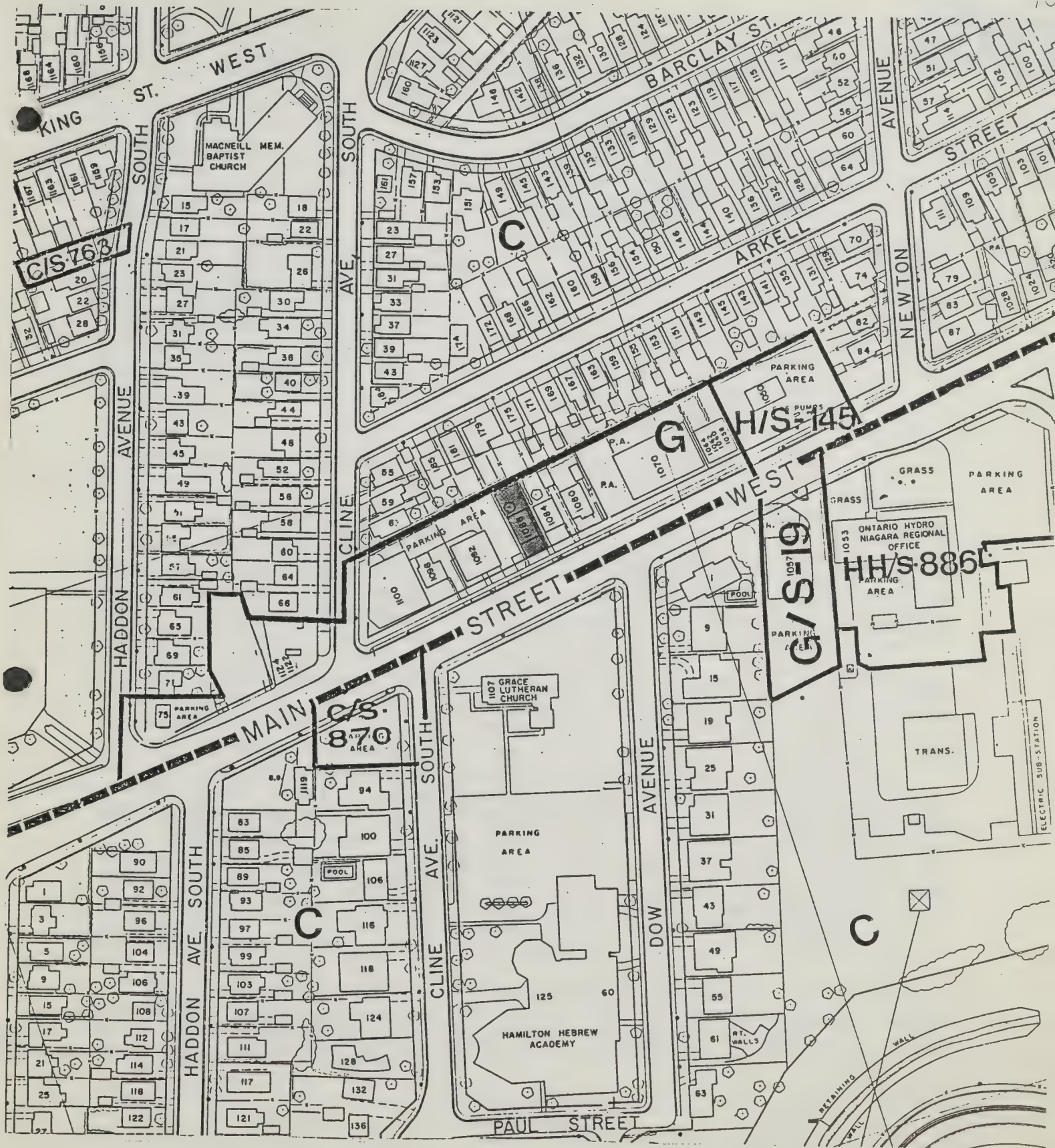
- Off-site parking cannot be guaranteed and cannot be considered as a replacement for on-site parking as required by the zoning by-law. Furthermore, off-site parking could have legal side effects for the lessor.

Regarding a modification to permit entertainment, the applicant verbally advised that he wishes to upgrade the status of the restaurant to provide diner musical entertainment in the form of a guitarist/singer or pianist/singer. On the basis that the entertainment is restricted to only one entertainer as proposed by the applicant, the live entertainment proposed would not be less objectionable than recorded music permitted within the "G" District and as such, can be supported.

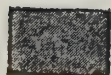
CONCLUSION

On the basis of the foregoing, the proposal to expand the restaurant and increase the seating capacity without providing required off-street parking in accordance with the zoning by-law cannot be supported. The requested modification to permit a live entertainer within the existing restaurant can be supported.

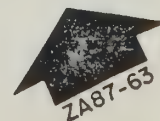
GW:cs
WPDOC 0136P



LEGEND



SITE OF APPLICATION



DANIEL R. MARSHALL M.D., F.R.C.P.(C)

Adolescent and Paediatric Medicine

10a

1100 Main St. W.
Suite 102
Hamilton, Ont.
L8S 1B3

Planning Department
City of Hamilton
c/o City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

To whom it may concern:

PLANNING & DEVELOPMENT LOCAL PLANNING COMMISSION				
File No. ZA-87-63 JUL 30 1987				
TO	DATE	INIT.	REC.	ACT
DIS.				
ASST. DIR.				
DIR.				
STAFF				
CART.				
AD. DIR.				

Phone: 522-5522

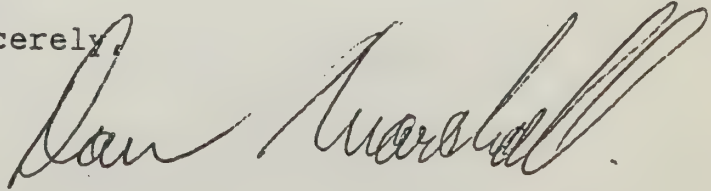
July 28 1987

re: Re-zoning application: ZA-87-63

I note that Perry's Restaurant located at 1088 Main Street West have applied for a zoning change to allow them to expand their premises and to eliminate what little parking they have and to have live entertainment on the premises. As I operate a medical practice out of an office at 1100 Main West I would like to register my opposition to this application. This restaurant already has inadequate parking facilities and many of their clientele park in the bank parking adjacent to their's and subsequently this filters down to what little parking is available on the premises of our building and may at times even end up in our parking across Main Street from our building. I really feel that if they eliminate the few parking spots which they have and expand their premises it's going to increase the need for parking and at the same time decrease the availability of parking, further encroaching on what little parking is available for our patients here. I am already concerned about the parking facilities in our building being somewhat inadequate particularly for disabled patients who need to park close to the building rather than across the street.

I really am concerned about businesses operating along here with inadequate parking facilities and I would appreciate you taking this into consideration when you make a ruling on their application for a zoning change.

Sincerely,



Daniel R. Marshall M.D., F.R.C.P.C.

cc. Dr. J. J. Shekter
Alderman Mary Kiss
DRM/bhv

10b.
34 Cline Ave.South, L8S 1W7
Hamilton, Ont.
August 19, 1987

Chairman and Members,
Planning & Development Committee,
City Hall,
HAMILTON, Ont.

Re: Applicant 543003
C.O.B. - Perry's Roadhouse, 1088 Main St.West

Dear Sirs;

The above property housing Perry's Roadhouse should not be granted a zoning change to permit expansion at this site for the following reasons:

There is insufficient parking available for the present customers of this establishment. Currently NO PARKING EXISTS AT THIS SITE, customers must either park illegally at the Royal Bank branch next door, or use a parking arrangement at a service station half a block away.

The proposal to allow entertainment at this restaurant is entirely unsuitable for its location adjacent to single family homes on the south side of Arkell Avenue; and would constitute a nuisance.

There is an allowance for a laneway at the rear of the premises, which was the site of a bitter battle between the commercial developer on Main Street West and the residents abutting the alleyway who own homes on Arkell Avenue. On one occasion when the Main St.lot was being paved, the Hamilton Police Dept.was called; and a local minister who was trying to bring peace to the confrontation, had hot asphalt poured over his shoes by the paving contractor doing the job. Following this confrontation many of the residents of Arkell Avenue moved their fences back to the center line of the alleyway allowance. Some day in the future, the abutting owners may wish to pave this alleyway; and any addition to the restaurant property would adversely affect the rights of such homeowners.

While I do not live adjacent to the property in question, I feel that in the best interests of all concerned, the application should be denied.

Yours very truly,


Malcolm C. Cline

c

AUG 24 1987

CITY OF HAMILTON

PUBLIC NOTICE FOR CHANGE OF ZONING - Applicant 543003 Limited

Subject lands 1088 MAIN STREET WEST

Proposed zoning change: A modification to the established "G" (neighbourhood shopping centre) district

Proposed official plan amendment: not required

Proposed use: To permit a 24'1" x 26'0" addition to the rear of the existing restaurant building to accommodate a new kitchen and additional dining area, not withstanding that no parking FACILITIES ARE BEING PROVIDED, and to permit LIVE ENTERTAINMENT not withstanding that live entertainment is not permitted.

For more information:

Planning & Development Dept. 526-4168

Inquiries: refer to file No ZA-87-63

Enquired July 31/87

Was advised the application will be considered by the Committee on Sept.9/87

Ald. John Smith is the chairman

AUG 10

10c

Re: Application to Expand
Perrys Restaurant
1088 Main St W.
Hamilton

12 Aug 87				
LOCAL PLANNING COUNCIL				
FILE NO. 24 076				
AUG 20 1987				
TO	ST	INT	INFO	ACT
DIR.				
PR & A				
NEIC				
CC				
FM				
NA				
FF				
CART				
ADM				

Rev. H. Meek

on behalf of New Covenant Fellowship
1080 Main St W.
Hamilton

Whereas presently parking is difficult and creates unwanted hard feeling due to patrons of Perrys Restaurant using parking facilities at our location

Whereas an expansion would only increase the number of incidents and confrontation due to more patrons using unauthorized parking facilities

Whereas our activities are evenings and weekends during Perrys Restaurants peak ours as well as our own.

Whereas we are also realizing an increase and have need of the parking facilities for which we already pay in our lease

Whereas there would be an increase in unacceptable and noisy behaviour in proportion to the increase of people and alcoholic beverage consumption

and whereas there has been little consideration for other businesses using parking facilities

I therefore recommend that the application be refused or turned down and the expansion prohibited.

I would also like to express that I wish no ill will on the owners of Perry's Restaurant. If there had been ample parking and living space between there would not have been a need to ask for a refusal however with the circumstances as they are the response has been mandatory

Respectfully

Rev. A. Week
522-1116

11.

F O R A C T I O N

FROM Planning and Development Department

DATE August 26, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-64

Glenview West Neighbourhood

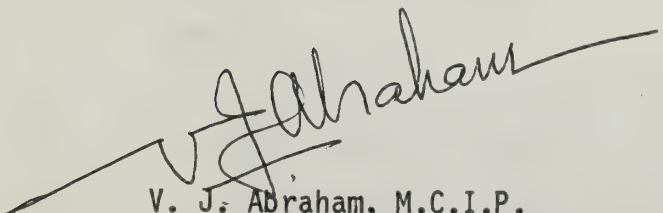
Attention Of V. J. Abraham

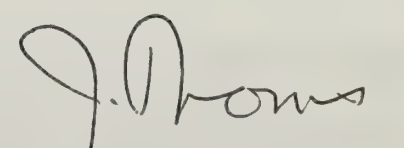
SUBJECT

Request for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations for property located at No. 126 Queenston Road, as shown on the attached map. The purpose of the application is to permit an outdoor patio, having a seating capacity of 48 persons operated in conjunction with the Parkdale (Derby) Hotel.

RECOMMENDATION

1. That Zoning Application 87-64, Parkdale Hotel (Hamilton) Ltd., owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations for property located at No. 126 Queenston Road be denied for the following reasons:
 1. The proposed outdoor patio is located in a side yard and is contrary to Section 18(ii)(b)1. and 2. of Zoning By-law No. 6593 as there is insufficient area available in the front yard to accommodate the proposed outdoor patio in accordance with By-law requirements;
 2. The proposal would be incompatible with established residential development in the surrounding area due to potential nuisances (i.e., noise and parking) because it is located in a side yard;
 3. The proposed outdoor patio encroaches into eight of the existing off-street parking spaces resulting in a substandard length of the parking spaces.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Parkdale Hotel (Hamilton) Ltd., owner.

LOT SIZE AND AREA

- 58.38 m (191.5 ft.) of lot frontage on Queenston Road;
- 37.8 m of lot depth; and,
- 2 254.12 m² (24,264 sq. ft.).

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Hotel/tavern	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
To the north	Commercial uses and a small apartment building	"H" (Community Shopping and Commercial, etc.) District
To the south	Single-family and two-family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	A restaurant, variety store and two accessory dwellings	"H" (Community Shopping and Commercial, etc.) District
To the west	A bowling alley and single-family dwellings	"H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "Residential", the proposal does not comply. However, as set out in Policy A.3.3.2 of the Official Plan, City Council may consider the use to be a Non-Complying Use, and as such, would not require an Official Plan Amendment.

NEIGHBOURHOOD PLAN

A Neighbourhood Plan is not available for the Glenview West Neighbourhood.

ECONOMIC FACTORS

The applicant has advised that the project will result in the establishment of three part-time jobs in the service industry. The total cost of the project will be less than \$100,000 and a total of four construction jobs will be created during the construction stage with manpower provided from firms in the Hamilton-Wentworth Region.

COMMENTS RECEIVED

- The Building Department has advised that:
 - An outdoor patio is a permitted use;
 - the proposed location does not comply with Section 18(11)(b) of Zoning By-law No. 6593;
 - the proposed location of the patio may reduce the required parking for the existing tavern-hotel.
- The Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee have no comments and/or objections.
- The Hamilton-Wentworth Engineering Department has advised that:
 - "The subject lands are fully serviced;
 - Any works within the Queenston Road, Craigroyston or Walter Avenue road allowances must conform to the respective street by-laws."

COMMENTS

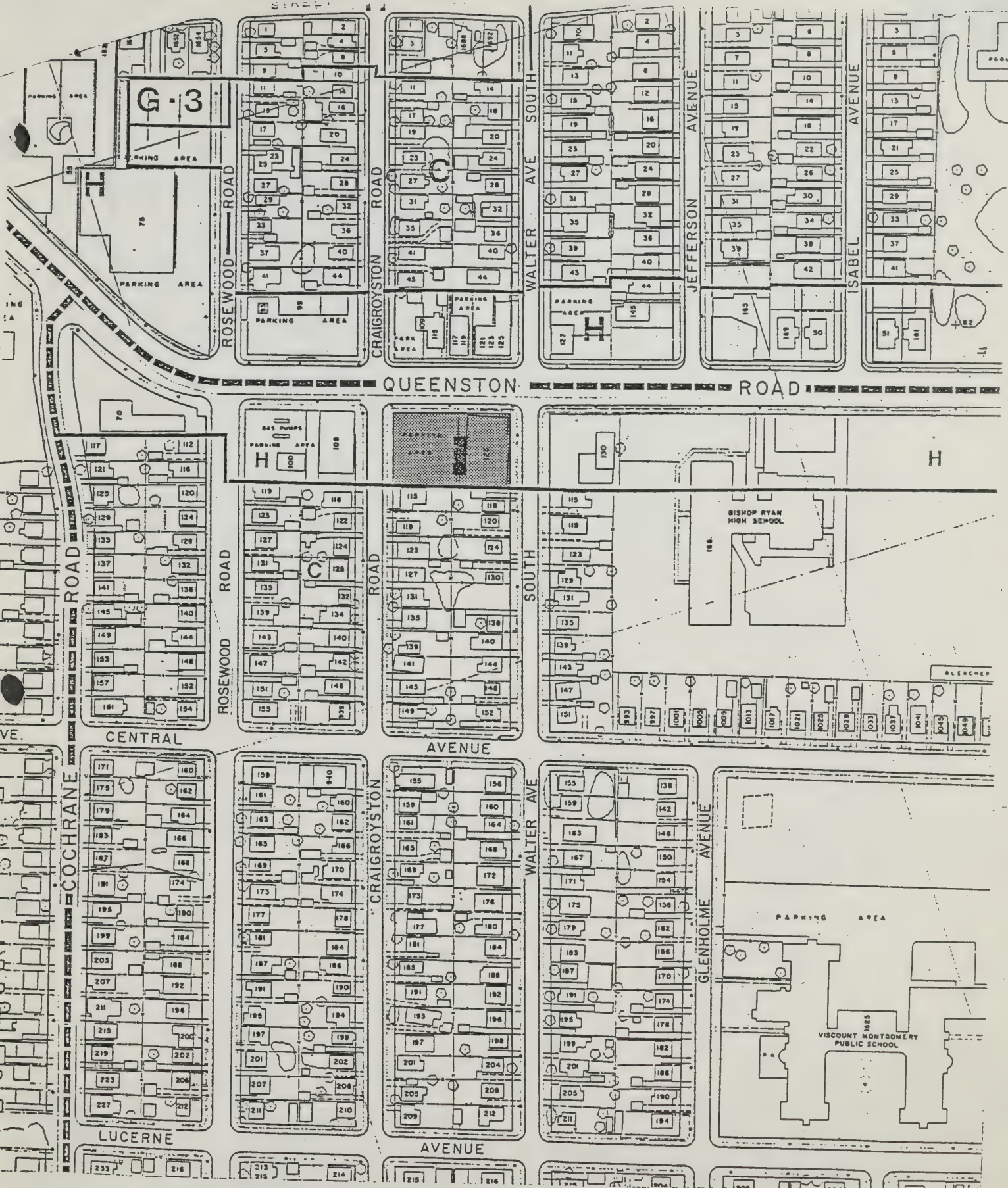
1. City Council may consider the use to be a "Non-Complying Use" and as such, would not require an amendment to the Official Plan.
2. The proposal to establish an outdoor patio operated in conjunction with the established tavern/hotel use cannot be supported for the following reasons:

- As set out in Section 18(11)(b)2 of the Zoning By-Law, "where only the rear line adjoins a residential district or is separated from the residential district by a lane or alley, an outdoor patio shall not be prohibited in the front yard. The effect of this provision is to place the building between the outdoor patio and the established residential district, screening or buffering the outdoor patio use. In this case, the outdoor patio is to be located in the side yard because there is insufficient room in the front yard to accommodate the proposed outdoor patio, therefore it conflicts with Sections 18(11)(b) 1 and 2 of the Zoning By-Law;
- the proposed outdoor patio would be incompatible with established residential development in the surrounding area due to potential nuisances (i.e., noise and parking);
- the proposed outdoor patio encroaches into eight of the existing off-street parking spaces, resulting in a substandard length of the parking spaces. This would affect the required maneuvering area for the parking spaces.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

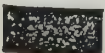
GW:cs
Attach.
0136P



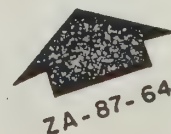
LEGEND



SITE OF THE APPLICATION



LOCATION OF PROPOSED OUTSIDE PATIO



Copy sent to Mr. V. Abraham,

Planning
1987 Sept 9

SEP 9 1987

1001 Central Ave.
Hamilton, Ont.
L8N 1H2
Sept. 8/87.

Planning Development Committee,
Corp. of City of Hamilton,
Hamilton, Ont.

Gentlemen: File - ZA-87-64.

In reply to letter regarding the proposed plan for an outside patio at 126 Queenston Rd. I do not live too close to have it affect me, only when I may walk along the street near it. I would hope the hotel management would handle it in an orderly manner, if patio is approved.

I am curious about the name of the hotel. For years, the blecky has been known at that location. I think it will confuse many people, if it becomes Parkdale Hotel. With that name

2

It would seem it should be on Parkdale Ave. further east. If necessary to change the name, why not another choice, such as Queenston Hotel, since it is on Queenston Rd.

Just my opinion to add to your many comments.

Yours truly,

Mrs. Charlotte Craig.

FOR ACTIONFROM Planning and Development DepartmentDATE August 25, 1987TO Planning and Development CommitteeRefer To File No. ZA-87-72RYMAL
NEIGHBOURHOODAttention Of V. J. AbrahamSUBJECT

Request for a modification to the "M-12" (Prestige Industrial) District provisions for the property located at No. 1275 Rymal Road East. The purpose of the proposed modification is to permit the development of the subject lands for a bakery and a 168 m² (1,808.4 sq. ft.) accessory restaurant.

RECOMMENDATION

That approval be given to Zoning Application 87-72, Fortinos Supermarkets Limited, owner for a modification to the "M-12" (Prestige Industrial) District, to permit the development of the subject lands for a bakery and a 168 m² (1,808.4 sq. ft.) accessory restaurant, for the property located at No. 1275 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D applicable to the subject lands be modified to include the following variances:
- a) That notwithstanding Section 17D(1)(b) and (c) the following additional uses shall be permitted.

Identification No.Industrial Use

1072

Bread and other bakery products.

Commercial Uses

9212

Restaurants, unlicensed

9213

Take out services

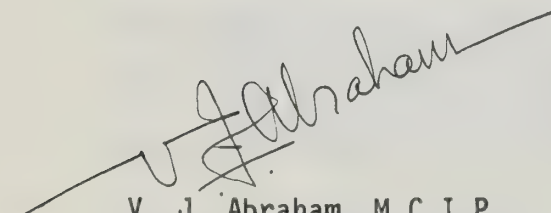
- b) That the restaurant and take out service shall be accessory to the bakery and shall not exceed 168 m² of combined floor area.

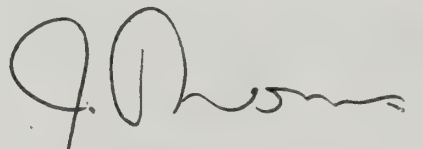
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-59D and E-59E be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-59D and E-59E;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the "M-12" (Prestige Industrial) District for the property located at No. 1275 Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of the subject lands for a bakery and a 168 m² (1,808.4 sq. ft.) accessory restaurant.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Fortinos Supermarket Ltd.

LOT SIZE AND AREA

- o 84.853 m (278.39 ft.)
- o 91.44 m (300 ft.)
- o 7,758.96 m² (83,159.77 sq. ft.)

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Vacant	"M-12" (Prestige Industrial) District

Surrounding lands

To the north	Warehouse	"M-14" (Prestige Industrial) District
To the south	Industrial	"M-12" (Prestige Industrial) District
To the east	Vacant	"M-12" (Prestige Industrial) District
To the west	Warehouse, Commercial	"M-12" (Prestige Industrial) District

OFFICIAL PLAN

The subject lands are designated "Industrial" on Schedule "A". The primary permitted use is for industry. Uses that are subsidiary to the primary permitted use are permitted.

In addition, the subject lands are located within Special Policy Area 11 - Light Industry Category.

Based on the above, the proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "Industrial" within the approved Mountain Industrial Plan. The proposal does not conflict with the intent of the Plan.

BACKGROUND

Fortinos Supermarkets intends to construct an industrial/commercial building approximately 5,253.35 m² (56,548.4 sq. ft.) in size which will contain the following uses:

- o bakery - 2,558.47 m² (27,540 sq. ft.)
- o accessory restaurant - 168 m² (1,808.4 sq. ft.)
- o Fortino's cash and carry wholesale - 1,021.9 m² (11,000 sq. ft.)
- o food processing factory - 1,504.98 m² (16,200 sq. ft.).

ECONOMIC FACTORS

The applicant has advised that the bakery and restaurant would employ about 13 people. The cost of the project is between \$501,000 and \$1,000,000 and during the construction period approximately 50 jobs will be created for people in Hamilton.

COMMENTS RECEIVED

- o The Building Department has advised that variances are required.
- o The Hamilton Region Conservation Authority and Traffic Department have no comments or objections.
- o The Hamilton-Wentworth Engineering Department has advised in part that:

"Public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time.

In previous comments (ZA-85-108), it was stated that the Region was preparing tentative plans for a grade separation at Rymal Road and the C.N.R. crossing west of Dartnall Road. In recent discussions between the Region and C.N.R. officials, there were indications that the railway line could be abandoned within the next two years.

We also advise, until such time as the status of the C.N.R. rail crossing on Rymal Road is finalized, that access to the subject lands be limited to the west limits of the subject lands." (See attached letter for full comments.)

COMMENTS

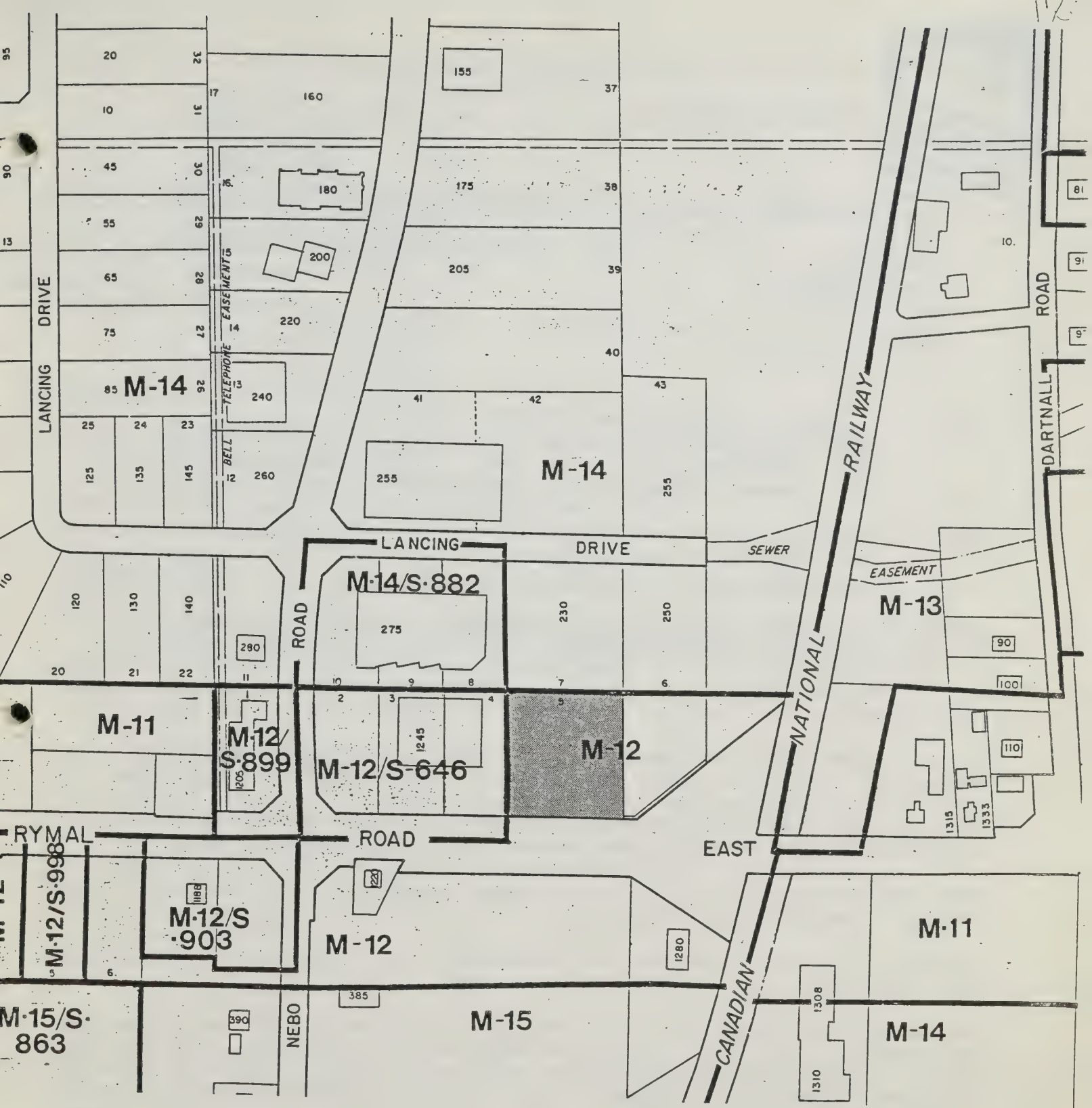
1. The proposal does not conflict with the intent of the Official Plan and Approved Mountain Industrial Plan.
2. The proposal merits consideration for the following reasons:
 - a) it is suitably located on a major arterial road (Rymal Road East)
 - b) it is compatible with the surrounding land uses including industrial to the north, south and west and commercial to the west.
3. The lands are subject to Site Plan Control By-law 79-275. Matters such as access, parking, landscaping, etc. will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the proposal can be supported.

J.H.:nd

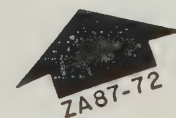
W.P. DOC. 0626P



LEGEND



SITE OF APPLICATION





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

(416) 526-4170 & DEVELOPMENT
LOCAL PLANNING BRANCH

File No. **AUG 17 1987**

TO	STAFF	INIT.	INFO.	ACT.
DIR.				
AREA				
NEIGH.				
DEV.	JZ			
C&UD.				
STAFF	JH			
CART.				
ADMIN.				

Refer to File No.
Attention of
Your File No.

ID # 0045 (35)

August 10, 1987

E220-1809
T.L. Hearn
ZA-87-72

To: J. Zipay, Planning Department
Att: J. Hickey

From: K.A. Brenner, Engineering Department

Re: Zoning Application ZA-87-72 by Fortino's Supermarket Limited
for a change in zoning from "M12" to "M14" regulations for
property located at 1275 Rymal Road.

Please be advised that public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

We do not anticipate any further road allowance widenings at this time. —

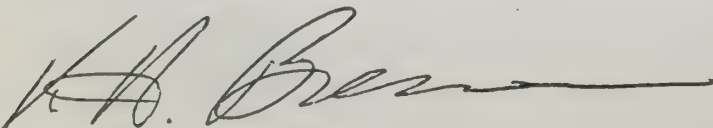
In previous comments (ZA-85-108), it was stated that the Region was preparing tentative plans for a grade separation at Rymal Road and the C.N.R. crossing west of Dartnall Road. In recent discussions between the Region and C.N.R. officials, there were indications that the railway line could be abandoned within the next two years.

Any work within the Rymal Road road allowance must conform to the Region's Roads Use By-Law.

According to the information submitted, the applicant intends to bake goods and open a restaurant to sell goods.

We firmly recommend that all fast food restaurants and Donut Shoppes be excluded from the permitted uses at this location due to our concern for traffic generated by such uses and the impact on traffic on Rymal Road. Furthermore, we will determine whether roadway improvements on Rymal Road will be included as a condition of access approval, at such time as detailed site plans are submitted.

We also advise, until such time as the status of the C.N.R. rail crossing on Rymal Road is finalized, that access to the subject lands be limited to the west limits of the subject lands.



TLH:tj

FOR ACTION

13.

FROM Planning and Development Department DATE August 24, 1987
TO Planning and Development Committee Refer to File No. ZA-87-74
CORKTOWN
NEIGHBOURHOOD
Attention Of V. J. Abraham

SUBJECT

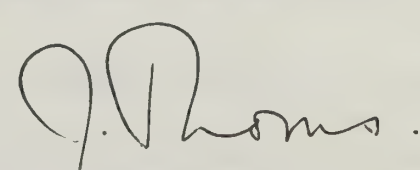
Request for a modification to the "E-3" (High Density Multiple Dwellings) District for the property located at Nos. 122 and 124 Young Street. The purpose of the proposed modification is to permit the conversion of the existing single family dwelling to professional offices.

RECOMMENDATION

That Zoning Application ZA-87-74, Walter Jazvac, prospective owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the conversion of the existing single family dwellings to professional offices, for the properties located at Nos. 122-124 Young Street, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

- a) It represents an undesirable intrusion of a commercial use into an established and stable residential area.
- b) An approval of the zoning application will establish an undesirable precedent for future similar applications to permit commercial uses within other single family dwellings in the immediate vicinity.
- c) It does not comply with the Official Plan and approved Corktown Neighbourhood Plan.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Walter Jazvac, prospective owner

LOT SIZE AND AREA

- o 14.33 m (47 ft.) of lot frontage;
- o 410.23 m (132 ft.) of lot depth; and,
- o 576.5 m² (6,204 sq.ft.) of lot area.

LAND USE AND ZONING

<u>SUBJECT LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
	single family dwelling	"E-3" (High Density Multiple Dwellings) District
<u>SURROUNDING LANDS</u>		
to the north	single family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings) District
to the south and west	apartment buildings	"E-3" (High Density Multiple Dwellings) District
to the east	single family dwellings	"E-3" (High Density Multiple Dwellings) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule A. Local commercial uses are permitted provided they serve the daily retail needs of the surrounding residents and rely on the pedestrian traffic (Policy A.2.2.25). Based on the above, professional offices do not comply with policy A.2.2.25.

In addition, the proposal does not comply with Policy A.2.1.7 which states

"In order to preserve and utilize older buildings no longer appropriate for residential use,.... Council may permit the use of existing residential building located in high density residential areas for commercial uses....".

The building is still appropriate for residential use since it is surrounded by residential on all sides.

Therefore, a site specific amendment will be required to permit the proposal.

NEIGHBOURHOOD PLAN

The subject lands are designated "High Density Apartments" in the approved Corktown Neighbourhood Plan. A redesignation to "Commercial and Apartments" is required to permit the proposal.

CENTRAL AREA PLAN

The subject lands are designated "Neighbourhood Residential". The applicable policies encourage housing in the areas designated for "Neighbourhood Residential".

BACKGROUND

- o LACAC has indicated that the building is "listed" on their inventory of architectural and historic buildings.
- o The Hamilton Region Conservation Authority, Traffic Department, and the Hamilton-Wentworth Engineering Department have no comments or objections.
- o The Building Department has advised that a variance is required.

COMMENTS RECEIVED

- 1) The proposal does not comply with the Official Plan, the approved Corktown Neighbourhood Plan and the Central Area Plan.
- 2) The proposal cannot be supported for the following reasons:
 - a) It represents an undesirable intrusion of a commercial use into an established residential area.
 - b) An approval of the zoning application will establish an undesirable precedent for future similar applications to permit commercial uses within other single family dwellings in the immediate vicinity.

CONCLUSION

Based on the foregoing, the proposal cannot be support.

JH/jd

WP DOC 0623P

14.

Attention V. J. Abraham

SUBJECT

1. Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-87010, City of Hamilton File No. SA-87-11, to establish 204 lots for single-family dwellings, 1 block for commercial purposes, 1 block for townhouse dwellings, 1 block for school purposes, 1 block for future development with abutting lands and 2 blocks for street widening purposes.
2. Application to the City of Hamilton for approval of a rezoning, File No. ZA-87-51 for a change in zoning from "AA" (Agricultural) District, "D" (Urban Protected Residential - One and Two Family Dwellings), "C" (Urban Protected Residential, etc.) District, "RT-30" (Street-Townhouse) District and "E-2" (Multiple Dwellings) District to "C" (Urban Protected Residential, etc.) District, "E-2" (Multiple Dwellings) District and "G-1" (Designed Shopping Center) District.

RECOMMENDATION

1. Subdivision Application

- a) That approval be given for application SA-87-11, Wellington Chase Inc., owner, to establish a draft plan of subdivision at the south-east corner of Stone Church Road East and Upper Wellington Street, subject to the following conditions:
1. That the approval apply to the plan prepared by Ashenhurst Nouwens Limited, dated February, 1987, revised to delete Lots 180 to 194 inclusive (to become part of the abutting block) and to renumber the subsequent numbered lots and blocks accordingly; to realign the street between Blocks "190" and "191" at its intersection with Upper Wellington Street, to show minor street roundings, to add a 0.3 m reserve as Block "196" and to add certain dimensions for the street widenings and daylight corners.
 2. That the road allowances and widenings for Stone Church Road East (Block "194") and Upper Wellington Street (Block "194" and "195") be dedicated as public highway on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform with the zoning by-law approved under The Planning Act.
5. That the owner convey 5% of the land included in the final plan to the City of Hamilton for park purposes pursuant to the provisions of The Planning Act. This condition can be fulfilled by applying a credit for parkland conveyed from Phase 1 of the development.
6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
8. That the dead-end of the road allowance created by the plan be terminated in a 0.3 m reserve (Block "196") to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road.
9. That Block "192" be developed only in conjunction with abutting lands.
10. That Block "193" be set aside as a Separate School Site to be acquired by the Hamilton-Wentworth Roman Catholic Separate School Board.
- 11.—That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
12. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
 - b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-11), Wellington Chase Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2. Zoning Application

1. That Zoning Application 87-51, Wellington Chase Inc., owner, requesting changes in zoning for the property located south of Stone Church Road in the area east of Upper Wellington Street as shown on the attached map marked as APPENDIX "A" be denied as submitted for the following reasons:
 - o The proposed "E-2" (Multiple Dwellings) District for Blocks "7" and "8" represents an over intensification of land use; and,

o is incompatible with the surrounding future single family dwellings.

2. That approval be given to amended Zoning Application 87-51, Wellington Chase Inc., owner requesting a change in zoning from "AA" (Agricultural) District, "D" (Urban Protected Residential - One and Two Family Dwellings), "C" (Urban Protected Residential, etc.) District, "RT-30" (Street-Townhouse) District and "E-2" (Multiple Dwellings) District to "C" (Urban Protected Residential, etc.) District, "RT-10" (Townhouse) District and "G-1" (Designed Shopping Centre) District, for the subject lands located south of Stone Church Road East, in the area east of Upper Wellington Street as shown on the attached map marked as APPENDIX "A", on the following basis.

- i) That the lands shown as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the lands shown as Blocks "2", "3", and "4" be rezoned from "D" (Urban Protected Residential - One and Two Family dwellings, etc.) District to "C" (Urban Protected Residential, etc.) District;
- iii) That the lands shown as Blocks "5" and "6" be rezoned from "RT-30" (Street-Townhouse) District to "C" (Urban Protected Residential, etc.) District;
- iv) That the lands shown as Block "7" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-10" (Townhouse) District;
- v) That the lands shown as Block "8" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "RT-10" (Townhouse) District;
- vi) That the lands shown as Block "9" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District;
- vii) That the lands shown as Block "10" and "11" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "G-1" (Designed Shopping Centre) District;
- viii) That that lands shown as Block "12" be rezoned from "E-2" (Multiple Dwellings) District to "G-1" (Designed Shopping Centre) District;
- ix) That the lands shown as Blocks "13 and "14" be rezoned from "RT-30" (Street Townhouse) District to "G-1" (Designed Shopping Centre District;
- x) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E18C and E18D;

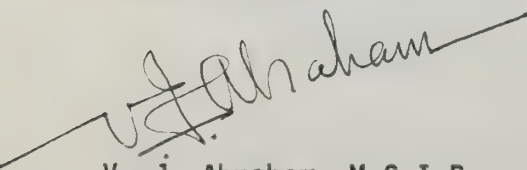
- xi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- xii) That the Barnstown Neighbourhood Plan be amended accordingly to reflect the changes established by the draft plan of subdivision.

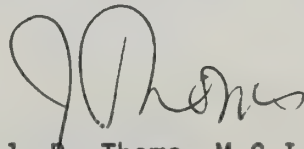
EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning for the property located on the south side of Stone Church Road East, in the area east of Upper Wellington Street, shown on the attached map marked as APPENDIX "A", on the following basis:

Block 1	"AA" (Agricultural) to "C" (Urban Protected Residential, etc.) District
Block 2, 3 & 4	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "C" (Urban Protected Residential, etc.) District;
Block 5 & 6	"RT-30" (Street-Townhouse) District to "C" (Urban Protected Residential, etc.) District;
Block 7	"C"(Urban Protected Residential, etc.) District to "RT-10" (Townhouse) District;
Block 8	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "RT-10" (Townhouse) District;
Block 9	"C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District;
Block 10 & 11	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "G-1" (Design Shopping Centre) District;
Block 12	E-2" (Multiple Dwellings) District to "G-1" (Designed Shopping Centre) District;
Blocks 13 & 14	"RT-30" (Street Townhouse) District to "G-1" (Designed Shopping Centre) District.

The effect of the By-law is to permit the development of the subject lands in conjunction with a draft plan of subdivision for single family dwellings (Blocks "1", "2", "3", "4", "5" and "6"), townhouses (Blocks "7" and "8") and shopping centre (Blocks "9", "10", "11", "12", "13" and "14").


V. J. Abraham, M.C.I.P.
Director - Local Planning


J. D. Thoms, M.C.I.P.
Commission
Planning and Development

BACKGROUND

Owner

Wellington Chase Inc., c/o John Parente, Hamilton, Ontario.

Surveyor

John P. Nouwens, O.L.S., Hamilton, Ontario.

Location

The lands, comprising 18.2 ha, are located at the south-east corner of Stone Church Road East and Upper Wellington Street in the Barnstown Neighbourhood, being Part of Lots 11 and 12, Concession 8, Township of Barton, now in the City of Hamilton.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
to the north	across Stone Church Road large lot single-family dwellings and vacant lands in the Crerar Neighbourhood	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the south	vacant lands of a proposed draft plan of subdivision, lands of the City Board of Education, single-family dwellings and a new park area.	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District
to the east	new single-family dwellings in a recently registered subdivision	"C" (Urban Protected Residential, etc.) District
to the west	across Upper Wellington Street, church property and new single-family dwellings in a recently registered subdivision.	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District

PROPOSAL

The owner proposes to subdivide the lands into 204 lots for single-family dwellings, one block for townhouse dwellings, one block for commercial purposes, one block for a future Separate School, two blocks for street widenings and one block for future development in conjunction with abutting lands.

The new street pattern will have connection to Upper Wellington Street and Brigade Drive and a future connection over the lands to the south.

The minimum lot size proposed has a width of 13.0 m and an area of 390 m² and all lots will be serviced from the new streets with the exception of 17 lots which will be serviced from Stone Church Road.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential", "Commercial" and "Major Institutional". The proposal complies.

Neighbourhood Plan - the lands are designated for "Residential - single and double, low density apartments, medium density apartments", "Commercial", and "Civic & Institutional" uses. The proposal complies with the exception that the residential apartments are being substituted for use as residential townhouses in a different location and that the proposed street pattern is changed considerably.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are Zoned "AA" (Agricultural) District, "D" (Urban Protected Residential - One and Two Family Dwellings) District, "C" (Urban Protected Residential, etc.) District, "RT-30" (Street Townhouse) District and "E-2" (Multiple Dwellings) District. The proposal does not comply with the location of some of the existing Zoning Districts, therefore, amendments to permit the proposed development are under consideration.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment (subject to standard noise abatement conditions)

Ministry of Natural Resources (subject to submission and implementation of a drainage plan)

Ministry of Citizenship and Culture (subject to standard archaeological condition)

Niagara Escarpment Commission

Hamilton Region Conservation Authority

City of Hamilton Board of Education

Ontario Hydro, Union Gas, Bell Telephone

City Building Department (subject to rezoning)

The Hamilton-Wentworth Separate School Board objects to the proposed draft plan on the basis that the school site does not comply with the neighbourhood plan in size and that the site would be landlocked.

The City Traffic Department has submitted the following comments:

"The approved neighbourhood plan for the subject lands designates the area adjacent to Stone Church Road for medium and low density apartments which would limit the number of access points to Stone Church Road. The development of single family residential lots as proposed will significantly increase the number of access on Stone Church Road.

We therefore recommend that either the subject lands be developed in accordance with the neighbourhood plan or the east/west street immediately south of Stone Church Road be relocated to permit reversed frontage single family development adjacent to Stone Church Road."

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1) The developer is to enter into Subdivision Agreements with the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
- 2) We will require a 15 m wide trunk sewer easement through lots 39, 40, 60, 61, 90 and 91 and Block 205 as shown in red on the attached plan. The existing sewer easement in front of lots 174 through 204 will become a public road allowance when the plan is registered.
- 3) The proposed subdivision can be serviced for water from the existing watermains.
- 4) We require that the road allowance width of Stone Church Road and Upper Wellington Street be 30.48 m. To meet this requirement sufficient lands must be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Stone Church Road and Upper Wellington Street road allowance.
- 5) In addition we require that 12.19 m x 12.19 m daylight triangles be dedicated to the Region from the widened southeast angle of Stone Church Road and Upper Wellington Street and the corner of the mid block collector street on Upper Wellington Street.

- 6) In order to provide for proper turning radii we require 5 m radii at lots 45, 109 and 146 as shown on the attached plan.

The centreline radii are not shown, however, they should conform to the current Regional Transportation Department geometric design criteria.

- 7) We expect to have regional share for sewers and watermains in this subdivision in the amount of \$30,000.00 due to oversize watermains.
- 8) Access to lot 174 is not to be from Upper Wellington Street.
- 9) Access to lot 17 in Wellington Chase Phase 1 is from Stone Church Road and to maintain a balanced streetscape we should leave access to Stone Church Road in this plan as an option. We advise that the widening and reconstruction of the arterial roads at major intersections may include the construction of raised concrete medians which may restrict access to adjacent lands at these points.
- 10) The plan submitted by the applicant will require many modifications to the approved Barnstown Neighbourhood Plan. The street locations have been changed and the designated land uses as shown on the plan have been changed. The neighbourhood plan designates block development for lots 1 to 36 and 45 to 57 inclusive. This block development reduces the number of access points onto Stone Church Road which is desirable.
- 11) In reviewing the street locations, the local neighbourhood street adjacent to the cemetery has been located 22 m to the south than what the neighbourhood plan indicates thus reducing the affect between this street and the approved neighbourhood street called "Como Drive" in the Rykman Neighbourhood to approximately 55 m (centreline to centreline). It is desirable that the minimum offset be 90 m between local neighbourhood streets.
- 12) Parkland was dedicated in Phase 1 therefore appropriate credits will be given to the subdivider under the subdivision agreement.
- 13) The submitted plan as prepared by Ashenhurst Nouwens Ltd. and dated April 1, 1987 is satisfactory to the Departments of Transportation Services and Engineering, subject to the above-noted comments and recommendations."

2. Zoning Application

The following agencies have advised that they have no comment or objection:

City Building Department
Hamilton-Wentworth Department of Engineering
Hamilton Region Conservation Authority

The City Traffic Department has submitted the following comments:

"As per our comments regarding the recent subdivision application for this area (SA-87-11 attached) we will assume that if this application is approved the "C" property located adjacent to Stone Church Road will be development as reverse frontage.

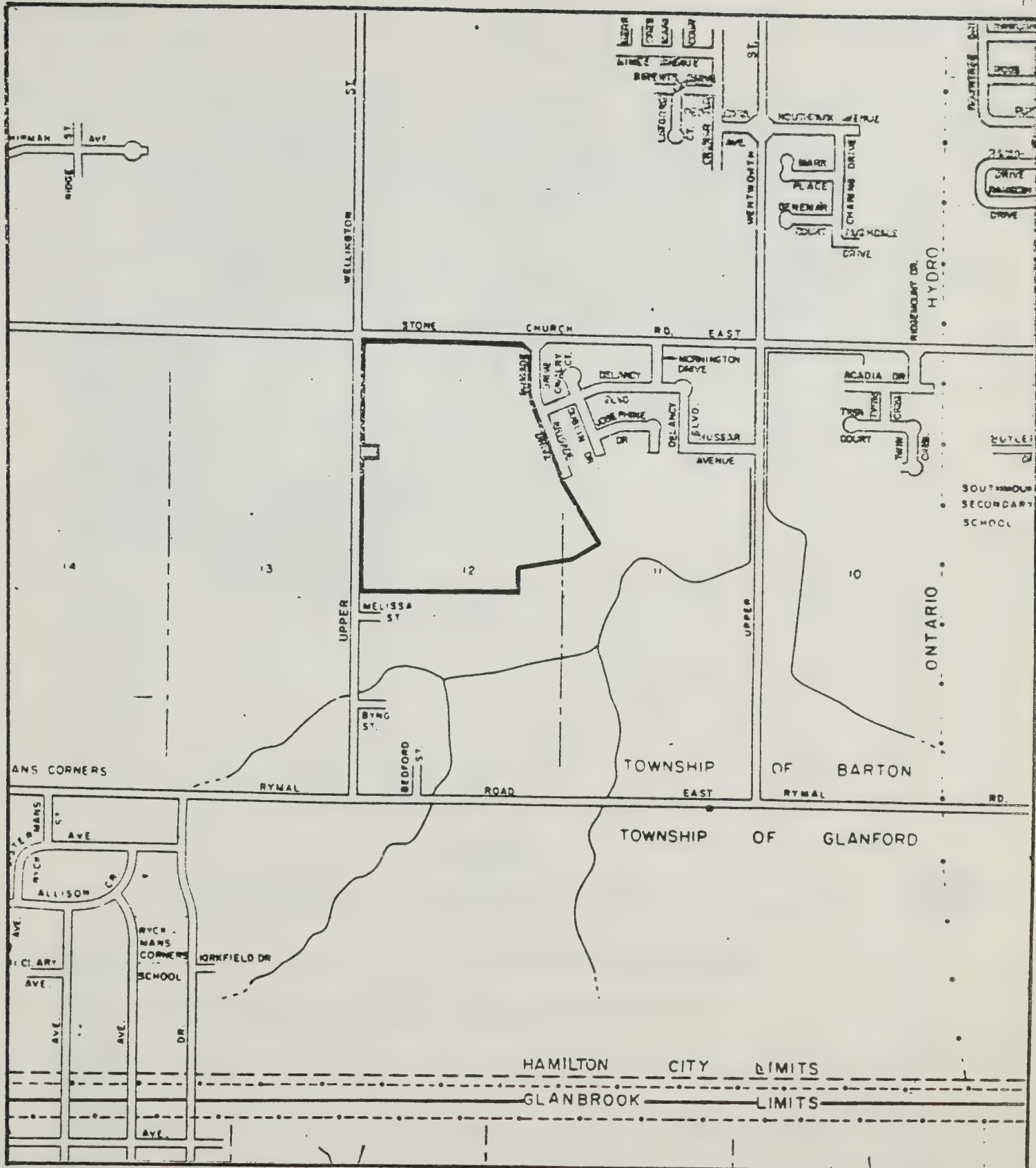
In regards to the specific application we have no objections however, we do note that the residential property adjacent to Upper Wellington Street is being proposed as "E-2" zoning instead of a townhouse designation as indicated on the above subdivision plan."

COMMENTS

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and proposed zoning amendments to implement the plan.
2. The conformity of the proposal with the Official Plans and the need for a Zoning By-law Amendment is noted.
3. To comply with the location and size of the Separate School site on the neighbourhood plan, Block 208 should be enlarged to include Lots 180 to 194 inclusive, now shown as Block "193".
4. To satisfy the Department of Engineering requirement regarding offset of local neighbourhood streets intersecting with arterial roads and to comply with the approved neighbourhood plan, the alignment of the street between Block "190" (commercial) and Block "191" (townhouses) at its intersection with Upper Wellington Street should be revised to abut the south limit of the existing private cemetery. Minor corner rounding, also required, should be shown.
5. The concern regarding fronting of single-family dwellings along Stone Church Road East was discussed at the time of consideration of Phase 1 of the Wellington Chase subdivision, the result being that 22 lots were draft approved and subsequently registered which have their access to said road. Therefore, the addition of the 17 lots fronting on Stone Church Road in Phase 2 appears appropriate and in compliance with the earlier approval.
6. The requirements of the commenting agencies can be implemented through the conditions of draft approval to be established by the Regional Municipality.
7. As noted by the Department of Engineering, parkland requirements for this phase of development were implemented through the Phase 1 Subdivision Agreement.

8. The zoning application should be amended for the area shown as Blocks 7 and 8 on APPENDIX "A" attached, to rezone these blocks to "RT-10" (Townhouse) District in keeping with the stated use on the draft plan and as the requested "E-2" (Multiple Dwellings) District could not be supported due to the development density which would be too high and the permitted maximum of 8 storeys which would be incompatible with the surrounding future single-family dwellings.
9. The neighbourhood plan road pattern and land use designations should be amended upon approval of the draft plan of subdivision and the subsequent zoning by-law amendment.

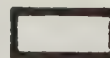
CMD/11



Location Plan For
WELLINGTON CHASE
-PHASE 2.

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

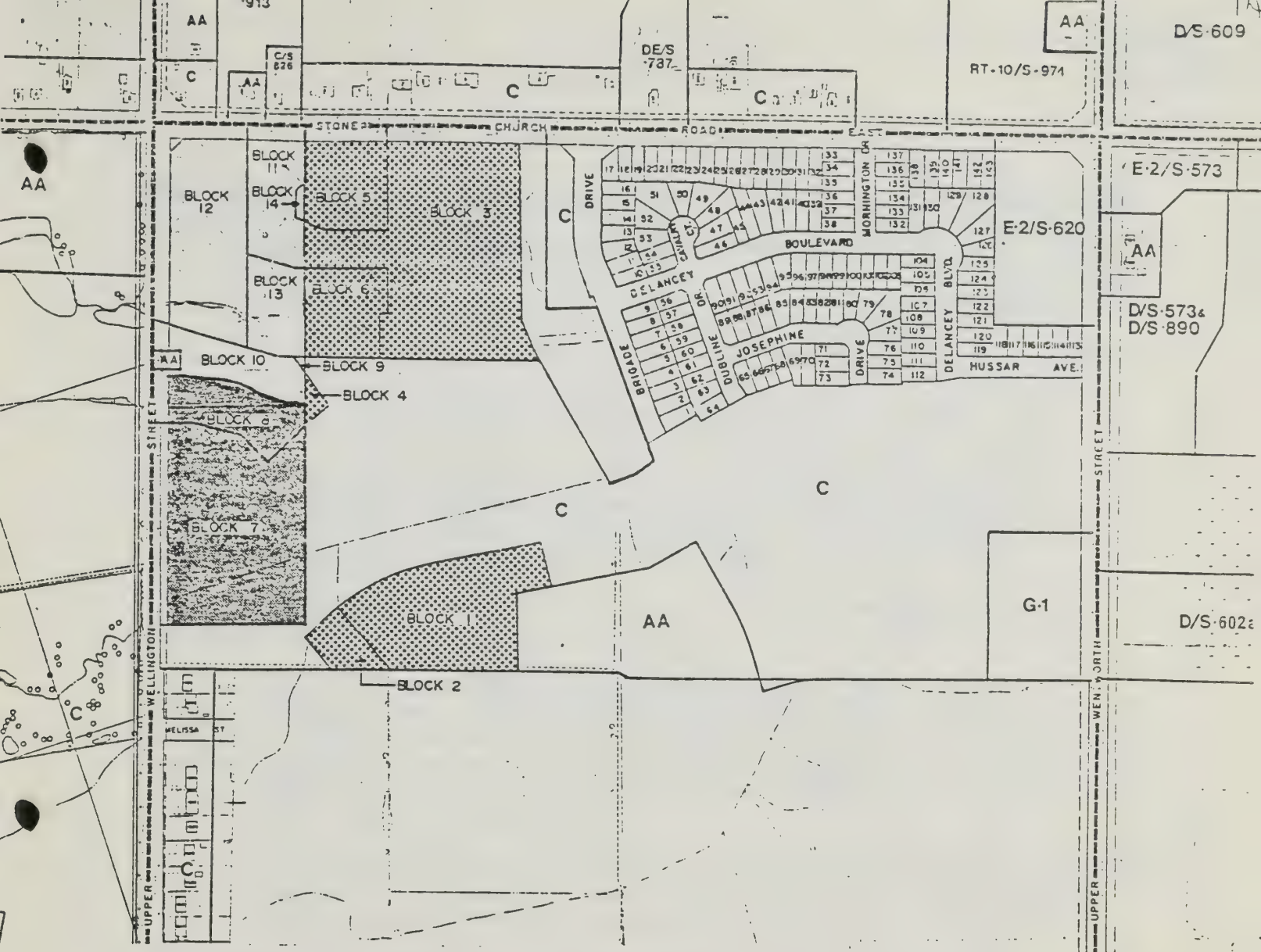


Scale
N. T. S.

Reference File No.
25T-87010

Date
JULY 10, 1987

Drawing No.

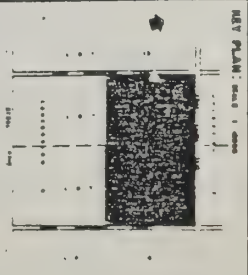
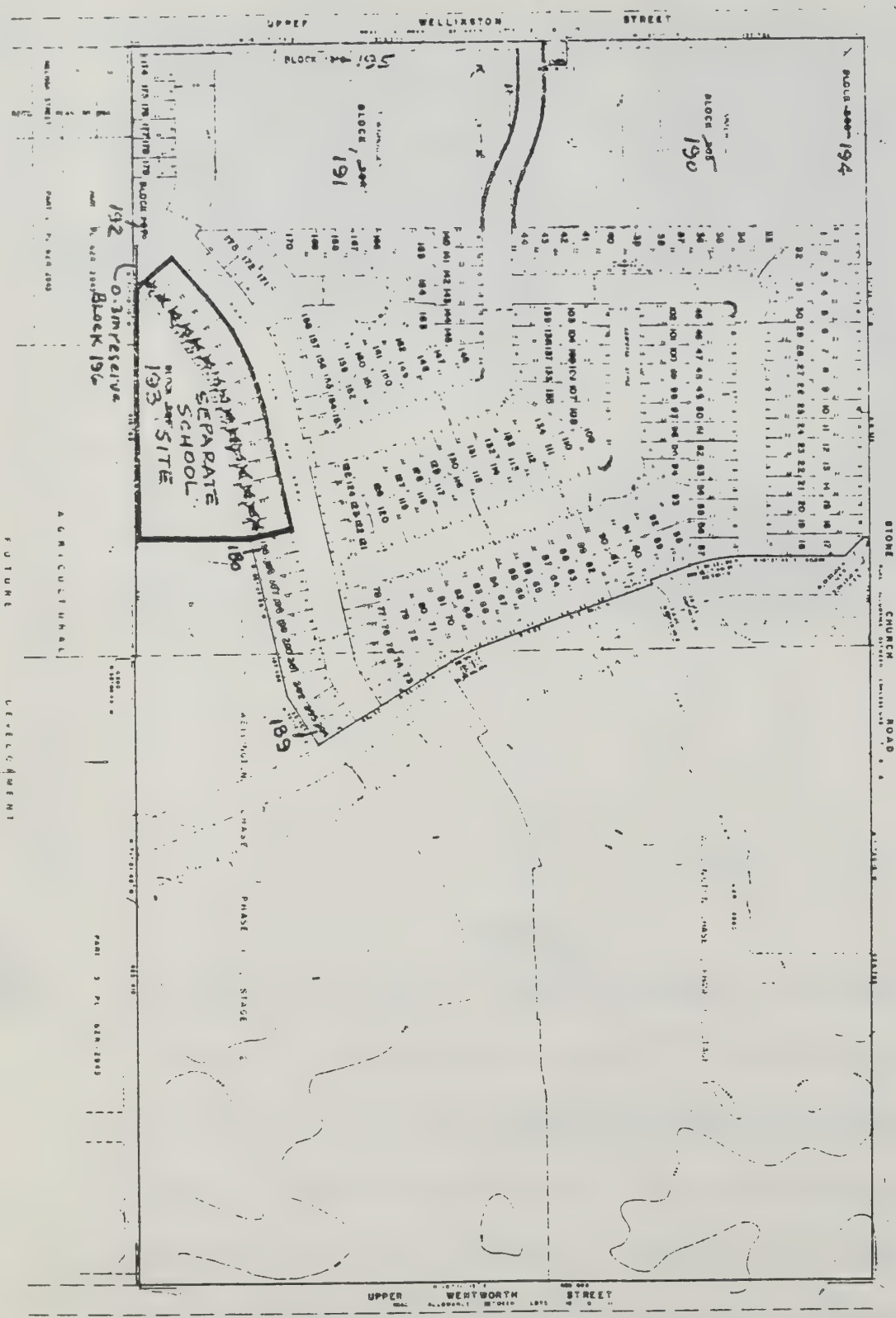


LEGEND

LANDS FOR WHICH THE FOLLOWING CHANGES IN ZONING ARE PROPOSED:

- BLOCK 1 "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.
- BLOCKS 2, 3 & 4 "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.
- BLOCKS 5 & 6 "RT-30" (STREET-TOWNHOUSE) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.
- BLOCK 7 "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "E-2" (MULTIPLE DWELLINGS) DISTRICT.
- BLOCK 8 "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.) DISTRICT TO "E-2" (MULTIPLE DWELLINGS) DISTRICT.
- BLOCK 9 "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT.
- BLOCKS 10 & 11 "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.) DISTRICT TO "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT.
- BLOCK 12 "E-2" (MULTIPLE DWELLINGS) DISTRICT TO "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT.
- BLOCKS 13 & 14 "RT-30" (STREET TOWNHOUSE) DISTRICT TO "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT.





METRIC NOTE
Distances shown on this map are in meters and are not
intended to be used for legal purposes.

OWNER'S CERTIFICATE
I, the undersigned, do hereby certify that the above
description of the land is a true and correct
description of the land as shown on the map.

DONOR'S CERTIFICATE
I, the undersigned, do hereby certify that the above
description of the land is a true and correct
description of the land as shown on the map.

RECEIVED
The undersigned, do hereby certify that the above
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description of the land as shown on the map.

WELLINGTON CHASE
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FROM Planning and Development Department DATE September 9, 1987
 TO Planning and Development Committee Refer to File No. ZA-87-62
MOUNTAIN
INDUSTRIAL PARK
 Attention Of V. J. Abraham

SUBJECT

Request for a modification to the "M-14" (Prestige Industrial) District regulations for the properties located on the north side of Bigwin Road, east of Anchor Road. The purpose of the application is to permit the construction of a building for a catering business and banquet hall.

RECOMMENDATION

That approval be given to Zoning Application ZA-87-62, Peter Mercanti, prospective owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations to permit the construction of a building for a catering business and banquet hall for the properties located on the north side of Bigwin Road, east of Anchor Road, as shown on the attached marked as APPENDIX "A", on the following basis:

- i) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject property be modified to include the following special requirement:
 - a) That notwithstanding the provisions of Section 17F(1)(b) of By-law No. 6593 the following commercial use shall be permitted:

IDENTIFICATION NO.

9214

COMMERCIAL USE

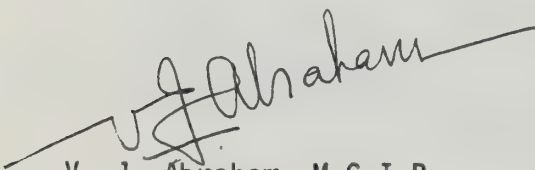
Caterers


- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map 69C be noted S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map 69C; and
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations for the properties located on the north side of Bigwin Road, east of Anchor Road, as shown on the attached map marked as APPENDIX "A".

The effect of this By-law is to permit the construction of a building for a catering business and banquet hall.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Peter Mercanti, prospective owner

LOT SIZE AND AREA

- o 64 m (210 ft.) of lot frontage;
- o 73 m (241.68 ft.) of lot depth; and
- o 0.47 ha (1.16 ac.) of lot area.

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Vacant	"M-14" (Prestige Industrial District
<u>SURROUNDING LANDS</u>		
To the north	Vacant, Bowling alley	"M-14" (Prestige Industrial) District "M-13" (Prestige Industrial) District
To the south and east	Vacant	"M-14" (Prestige Industrial) District
To the west	Shooting Sports Club, Vacant	"M-13" (Prestige Industrial) District

OFFICIAL PLAN

The subject lands are designated "Industrial" on Schedule "A". In addition to allowing industrial uses, those uses which complement, do not interfere with or detract from the primary function of the area may be permitted.

Further, the lands are located within Special Policy Area 11 - Light Industrial Uses which permits clubs or establishments catering to leisure activities.

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "Restricted Industrial" in the Approved Mountain Industrial Park plan. As such, the proposal does not conflict with the Neighbourhood Plan.

BACKGROUND

Regional Council on April 7, 1987 in adopting Item 17 of the 7th Report of the Economic Development and Planning Committee, approved the sale of Lots 8 and 9 to Peter Mercanti. The final sale is pending the approval of a modification to the "M-14" (Prestige Industrial) District regulations.

In 1986, Council approved a similar application by the applicant to rezone two parcels of land to the north of the subject site for a catering business, as well.

COMMENTS RECEIVED

- o The Hamilton-Wentworth Engineering Department, Traffic Department and Hamilton Region Conservation Authority have no comments or objections.
- o The Building Department has advised that a variance is required.

COMMENTS

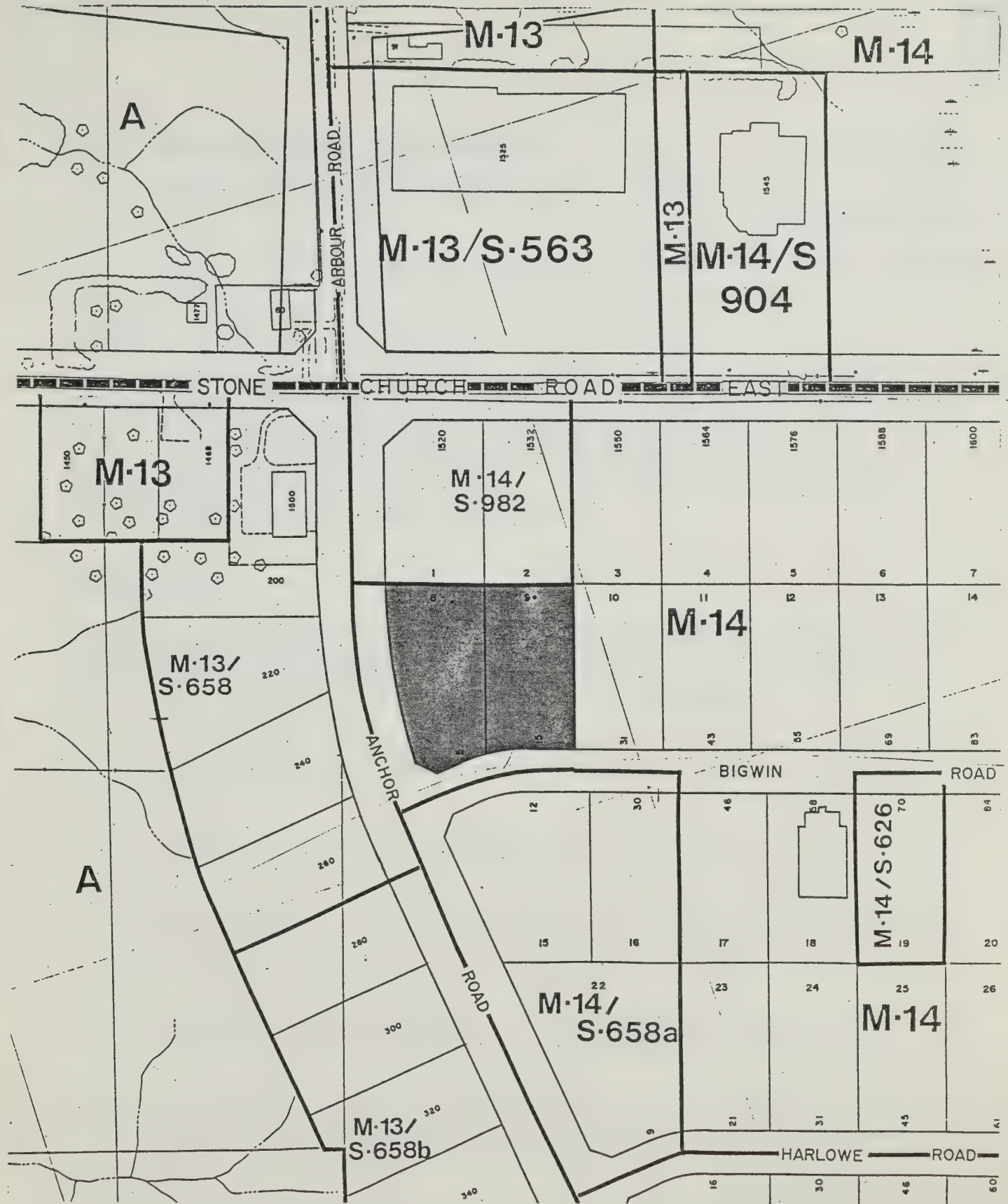
1. The proposal does not conflict with both the Official Plan and the Approved Mountain Industrial Park Plan.
2. The proposal warrants consideration for the following reasons:
 - a) the lands are to be assembled with those lands to the north which are suitably located along an arterial road (Stone Church Road East);
 - b) the use is compatible with surrounding commercial uses including the bowling alley to the north and gun club to the west, which are located on "M-13" District lands;

3. The Standard Industrial Classification Code (SIC) includes a banquet hall as part of the catering function.
4. Under "M-14" District regulations, the proposed building is subject to Site Plan Control By-Law 79-275. Such matters are parking, landscaping, fencing, etc. will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the proposal can be supported.

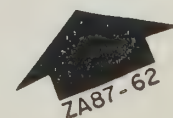
JH/jd
WP DOC 0420P



LEGEND



SITE OF APPLICATION



16.

F O R A C T I O N

FROM: Planning and Development Department

DATE August 31, 1987

TO: Planning and Development Committee

Refer to File No. DA-87-34
Crerar Neighbourhood

Attention Of: V. J. Abraham

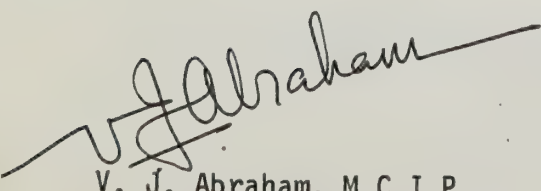
PROPOSAL

Plans have been submitted for a six storey, 60 unit condominium apartment building to be constructed at the south-west corner of Upper Wentworth Street and Pescara Avenue. Access from Upper Wentworth Street leads to the parking area for 75 vehicles and one loading space at the rear of the building. A 1.5 m wide planting strip and .966 m (3.17 feet) high visual barrier is provided along the parking area abutting Crerar Drive to provide a visual screen to the residential lands to the west.

RECOMMENDATION

That the approval be given to Site Plan Control Application DA-87-34 by ITCA Community Involvement Inc., prospective owner of the lands at the south-west corner of Upper Wentworth Street and Pescara Avenue for development of a 60 unit condominium apartment complex subject to the following:

- a) modifications to the plan related to dimensions, notes, height of fencing, parking layout, radii dimensions as marked in red on the plans;
- b) submissions of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- c) modification to the landscape plan to provide tree plantings along the westerly and southerly boundaries as marked in red on the plans;
- d) finalization of Land Severance Application H-19-87;
- e) dedication of lands shown as Part 2 on Reference Plan 62R-8729 to the Region for the road widening of Upper Wentworth Street; and,
- f) lifting of the one foot reserve shown as Block 35 on Plan 62M-425 and the payment of all costs for the servicing, etc. adjacent to the subject lands including the future southerly extension of Crerar Drive.


V. J. Abraham, M.C.I.P.
Director of Local Planning

APPLICANT

ITCA Community Involvement Inc. prospective owner.

LOCATION & DESCRIPTION

The vacant land is located at the south-west corner of Upper Wentworth Street and Pescara Avenue and is also bounded on the west property line by Crerar Drive.

ZONING

"E-2/S-649" (Multiple Dwellings) District. A maximum of 100 dwelling units is permitted on the subject property.

RESULTS OF CIRCULARIZATION

1. The Building Department has indicated the following:
 - o the maximum projection of the balconies on Pescara Avenue is 1.2 m.
 - o the maximum height of the visual barrier on the south side shall be 1.2 m to 2.0 m instead of the 0.966 m shown on the plan.
 - o the landscape section at the south-east corner of the lot shall be 12.0 m instead of the 8.6 m shown on the plan.
2. The Traffic Department has advised the following:
 - o the parking area should be modified as marked in red on the plans to provide adequate manoeuvring area for semi-trailers to access the loading area at the rear of the building.
 - o a total of 15 parking spaces should be signed and reserved for visitor parking.
 - o a Driveway Approach Approval is required to be obtained by the applicant through the Traffic Department.
3. The Fire Department has advised the following:
 - o the location of Fire Department access route signs will be determined upon completion of construction.
 - o the building sprinkler and standpipe siamese connections are to be mounted on a principal building face adjacent to a fire access route.

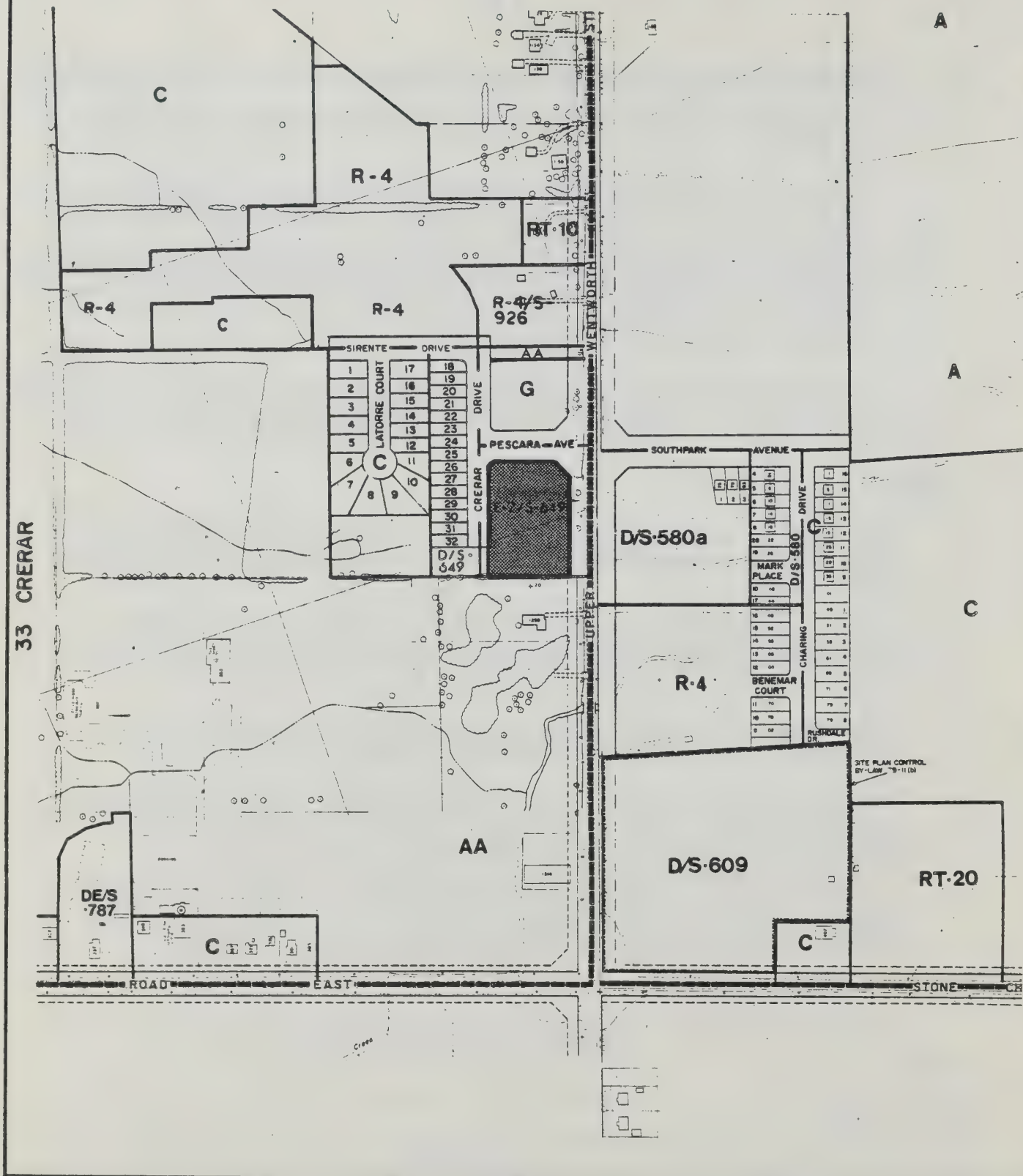
- 16.
4. The Hamilton-Wentworth Engineering Department has advised the following:
- o the development is also the subject of Land Severance Application H-19-87.
 - o a road widening as shown as Part 2 on Reference Plan 62R-8729 on Upper Wentworth Street should be dedicated to the Region.
 - o a one foot reserve shown on block 35 on Plan 62M-425 should be lifted with the appropriate payment of all costs for the servicing, etc., adjacent to the subject lands including the future southerly extension of Crerar Drive.
 - o revised grading plan should be submitted to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

COMMENTS

1. Modifications are required to the plans related to dimensions, notes, height of fencing, parking layout and radii dimensions as marked in red on the plans.
2. A revised grading plan should be submitted to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department to clarify various grades.
3. As noted by the Hamilton-Wentworth Engineering Department, a road widening and the lifting of a one-foot reserve should be provided.
4. The landscape plan should be modified as marked in red on the plans to provide additional trees along Crerar Drive and the southern boundary of the site to provide screening in those two areas.
5. A note should be provided on the plan as marked in red to incorporate a garbage collection storage area enclosure or building to adequately screen such facilities from abutting residential properties.

JPS/jd

WP DOC 0037P



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-34

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-34

Drawing No.
87-H-27

FOR INFORMATION

FROM Planning and Development Department

DATE September 2, 1987

T0 Planning and Development Committee

Refer to File No. DA-87-44
 DA-87-54
 DA-87-52
 DA-87-51

Attention Of V. J. Abraham

BACKGROUND

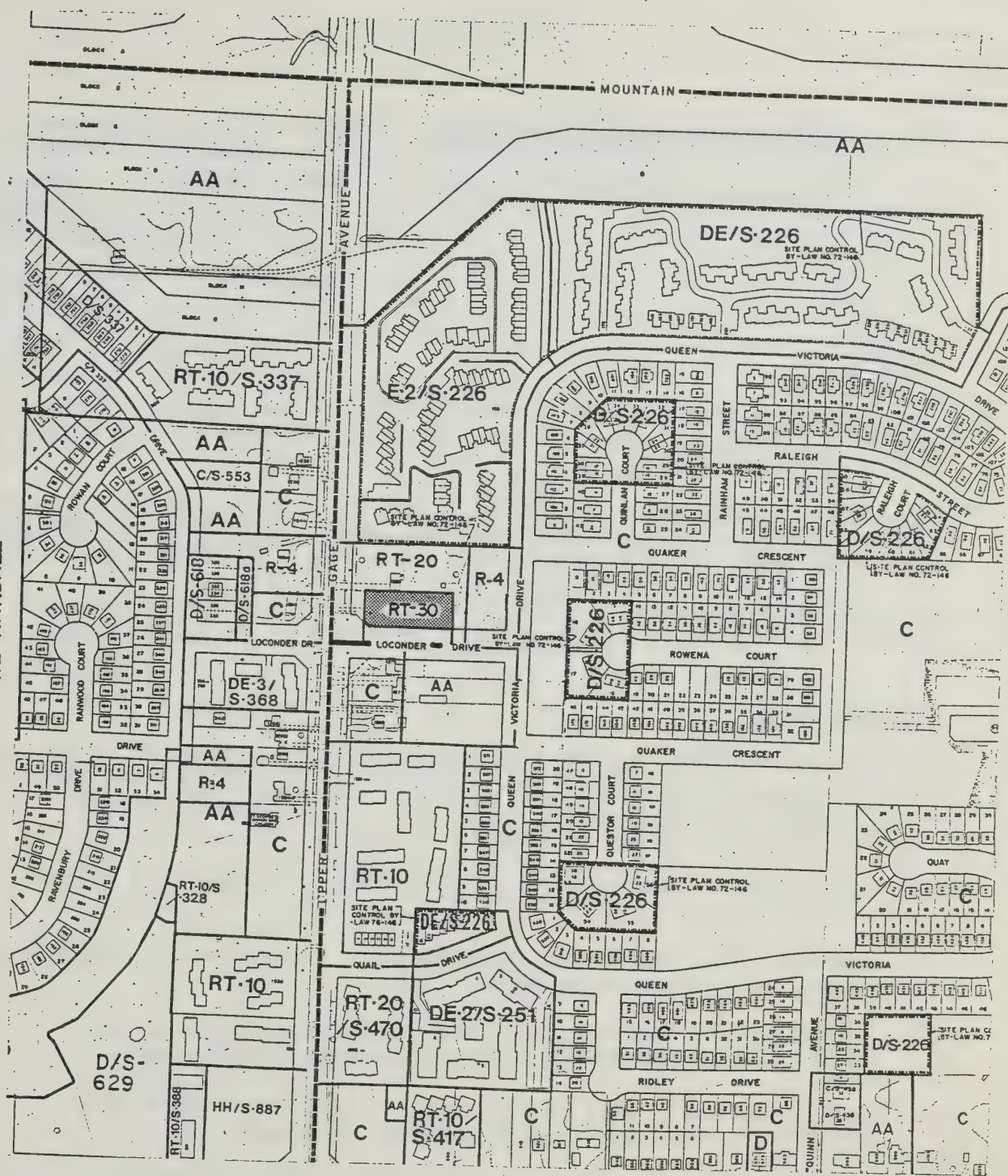
The attached Site Plan Control Applications have been approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

JPS/jd

WP DOC 0390P

112 RANDALL

110 QUINDALE



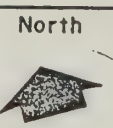
PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-44

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION



North

Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-44

Drawing No.
87-H-45

F O R A C T I O N

FROM	<u>Planning and Development Department</u>	DATE	<u>July 27, 1987</u>
TO	<u>Planning and Development Committee</u>	Refer to File No.	DA-87-54 QUINNDALE <u>NEIGHBOURHOOD</u>
		Attention Of	<u>V. J. Abraham</u>

PROPOSAL

Plans have been submitted for approval of a twenty-two unit condominium townhouse complex to be constructed on the east side of Upper Gage Avenue north of Loconder Drive.

Access to the development is provided from both Upper Gage Avenue and Loconder Drive. Each of the units has a garage and driveway with an additional seven parking spaces provided at the easterly end of the development.

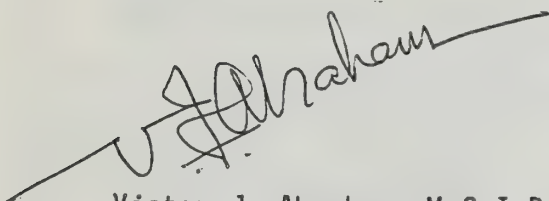
The three storey units will be finished in either all brick-face or a combination of brick on the first level and siding on the upper levels.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-54 by 568434 Ontario Incorporated, owner of the lands on the east side of Upper Gage Avenue, north of Loconder Drive for a 22 unit condominium townhouse development subject to the following.

- a) modification to the plans related to dimensions and notes as marked in red on the plans;
- b) approval by the Committee of Adjustment for the variance to permit 22 instead of 20 units on the subject lands;
- c) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- d) submission of a revised landscape plans to the satisfaction of the Director of the Planning and Development Department;
- e) dedication of the required road widening of approximately 3.048 m (10 ft.) to the Region of Hamilton-Wentworth;
- f) dedication of sufficient lands to complete the required 12.0 m x 12.0 m daylight triangle at the north-east angle of Loconder Drive and Upper Gage Avenue to the Region of Hamilton-Wentworth; and,

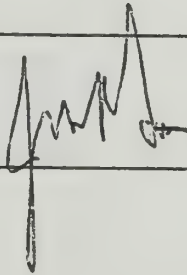
- g) finalization of the purchase of Part 1 on Reference Plan 62R-6257 to add to this development.


Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

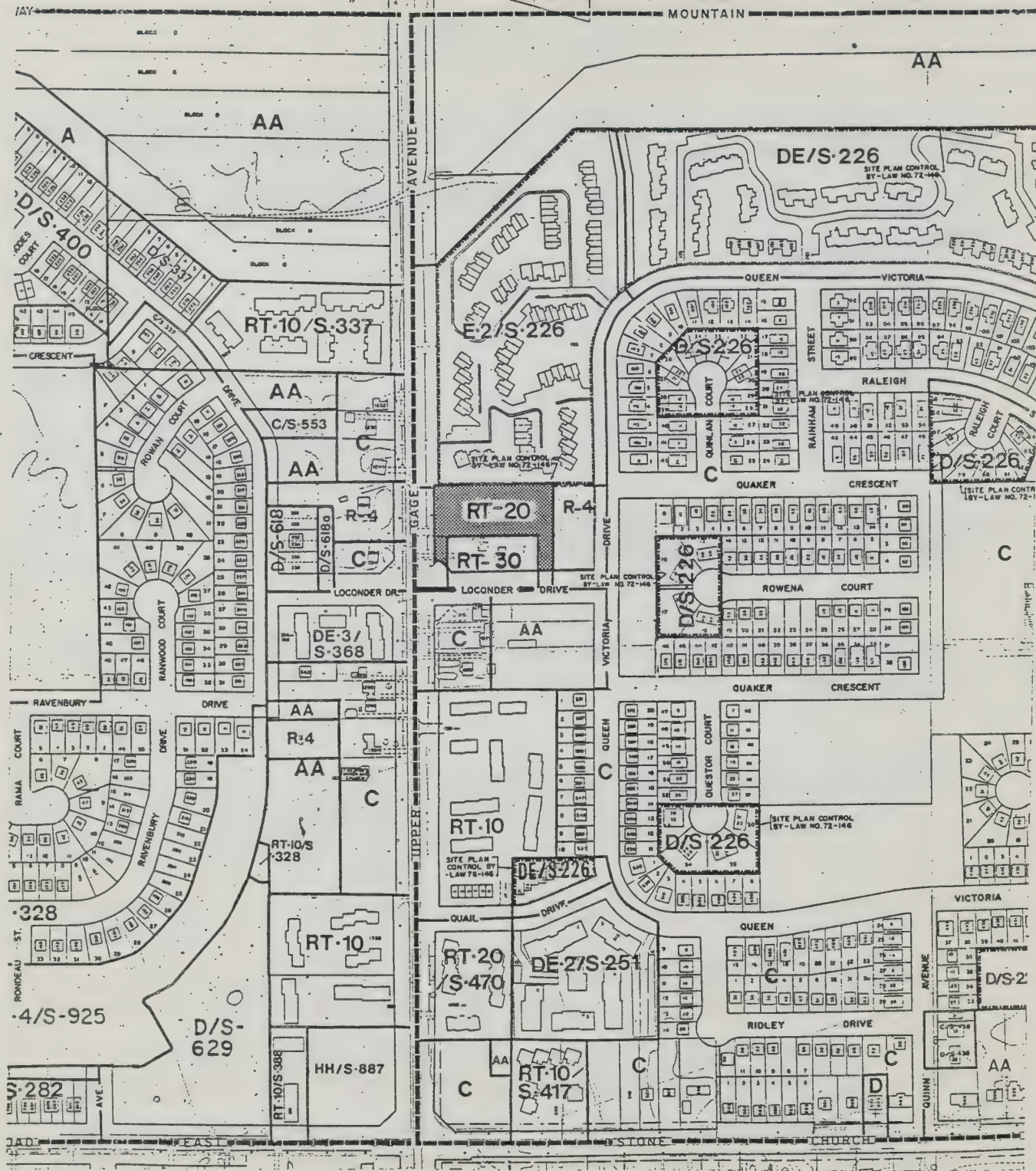
Alderman John Smith
Chairman & Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P


July 28, 87

112 RANDALL

110 QUINNDAL



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-54

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale

1:5,000

Date

JUNE, 1987

Reference File No.

DA-87-54

Drawing No.

87-H-52

F O R A C T I O N

FROM Planning and Development Department

DATE August 21, 1987

TO Planning and Development Committee

Refer to File No. DA-87-52
NORTH HANNON
NEIGHBOURHOOD
(DA-85-46)
(DA-87-02)

Attention Of V. J. Abraham

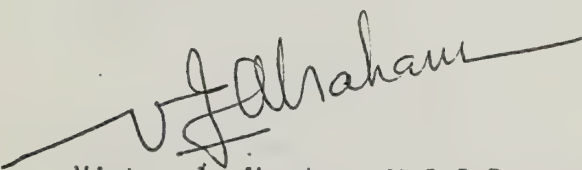
PROPOSAL

Plans have been submitted for expansion of an existing storage facility which is located at 1550 Stone Church Road East under Site Plan Control Application DA-85-46. The two new one-storey structures to be constructed to the east of the existing facility will be similar in appearance with decorative concrete blocks on the front building face and concrete block on the sides and rear building face. The new site will also provide an additional 10 parking spaces and one loading space to the existing 12 parking spaces and one loading space.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-52 by Niagara Engineering Ltd., owner of the property at 1550 Stone Church Road East, for the expansion of an existing storage facility subject to the following:

1. modification to the plan related to dimensions, and notes as marked in red on the plans; and,
2. submission of calculations for the storm water retention pond and its location to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.


Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman

August 28, 1987
[Signature]

VJA/JPS/nd
W.P.DOC.0390P

Attention Of Y. J. Abraham

VJA/JPS/jd
W.P.DOC.0390P

LOCATION

The lands, comprising 0.4682 ha, are located at the north-east corner of Upper Gage Avenue and Loconder Drive, in the Quinndale Neighbourhood, in the City of Hamilton.

PROPOSAL

The owner proposes to construct 21 townhouse units within 3 buildings.

EXISTING DEVELOPMENT CONTROL

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - attached housing". The proposal complies.

Zoning - the lands are zoned to permit the proposed development and the proposal received Site Plan Approval on July 28, 1987 subject to conditions.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of the Environment (Subject to standard noise conditions)
Ministry of Citizenship and Culture
Niagara Escarpment Commission
Hamilton Region Conservation Authority
City of Hamilton Board of Education
Ontario Hydro, Union Gas, Bell Canada
City of Hamilton Building Department
City of Hamilton Traffic Department

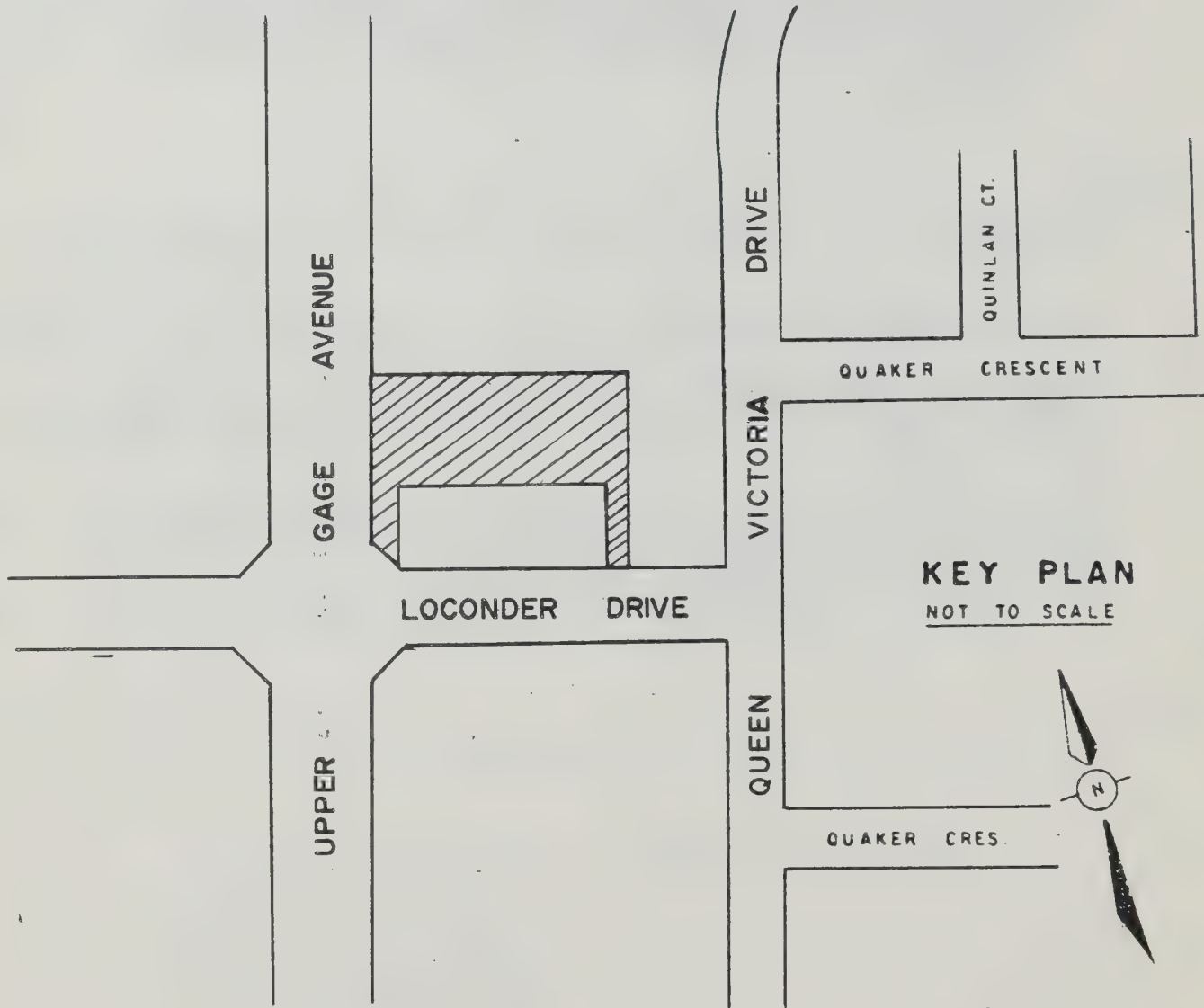
Hamilton-Wentworth Department of Engineering:

- "1) Sufficient lands are to be dedicated to the Region to establish the property line 18.29 metres from the centre line of construction on Upper Gage Avenue. A daylight triangle of 12.19 metres by 12.19 metres also required from the widened limits of Upper Gage Avenue and Loconder Drive.

- 2) The applicant make satisfactory financial arrangements with the Region.
- 3) The submitted plan, as prepared by MacKay, MacKay and Peters Limited, is satisfactory to the Departments of Transportation Services and Engineering subject to the above comments and recommendations."

COMMENTS


1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The plan of condominium is not a conversion, therefore, is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversions.
4. The requirements of the Ministry of the Environment and a financial agreement with the Region can be implemented through the condition of draft approval by the Regional Municipality.



Location Plan For
PART OF LOT 6, CON. 7
IN THE
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 PROPOSED CONDOMINIUM

North

Scale
N. T. S.

Reference File No.
25CDM-87009

Date
APR. 9, 1987

Drawing No.

[illegible]

1951

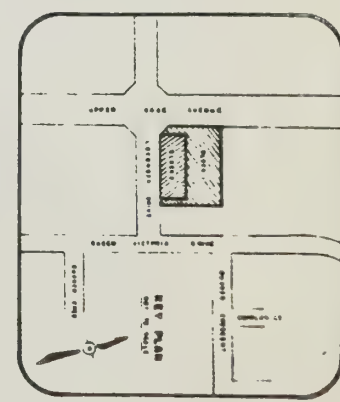
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FORWARDED TO SECRETARIES:
I, **ROBERT E. SMITH**, **2000 THE UNIVERSITY**, **ANN ARBOR, MI 48106**
am the Secretary of **THE UNIVERSITY** and hereby
certify:

[illegible]

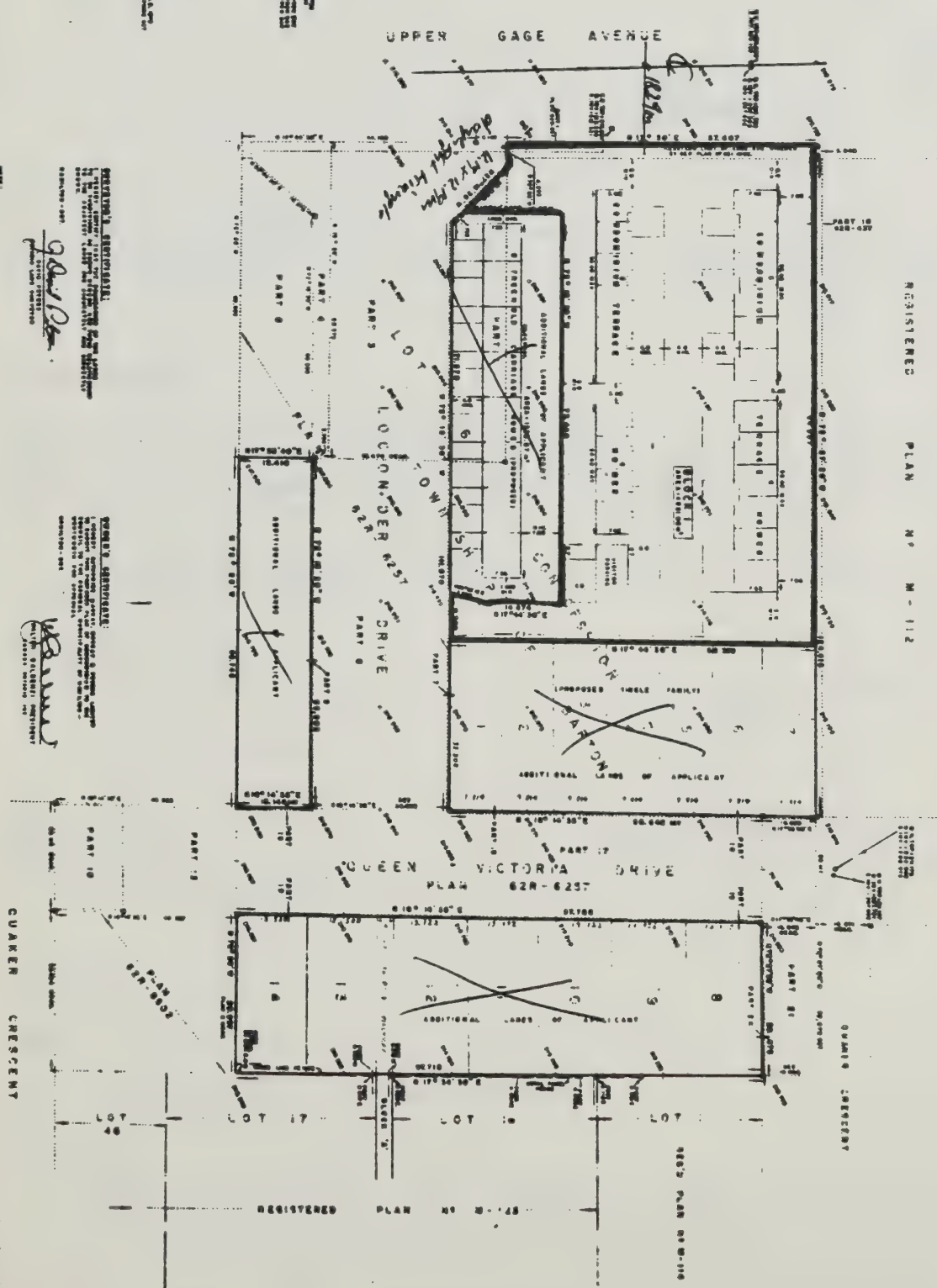
PAGE TWO

REGISTERED PLAN NO. MM-112



1-800-441-4444 • 24 hours • 7 days a week • Toll-free • No credit card required
 1-800-441-4444 • 24 hours • 7 days a week • Toll-free • No credit card required

1. The first step is to identify the problem.
 2. The second step is to define the problem.
 3. The third step is to analyze the problem.
 4. The fourth step is to develop a solution.
 5. The fifth step is to implement the solution.
 6. The sixth step is to evaluate the solution.
 7. The seventh step is to monitor the solution.
 8. The eighth step is to maintain the solution.
 9. The ninth step is to improve the solution.
 10. The tenth step is to document the solution.



25CDM-87009

F O R A C T I O N

19

FROM: Planning and Development Department

DATE: September 1, 1987

TO: Planning and Development Committee

Refer to File No. 25CDM-87010

SA-87-12

Durand

Neighbourhood

Attention

V. J. Abraham

SUBJECT

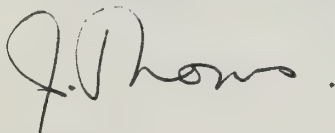
Application to the Region for the approval of a plan of Condominium, Regional File No. 25CDM-87010, City of Hamilton, File No. SA-87-12 to construct 24 apartment units.

RECOMMENDATION

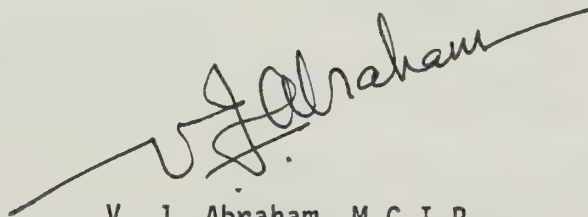
That approval be given to application SA-87-12 "Carrington Towers", Two-Way Construction Ltd., owner, to establish a draft plan of condominium located on the north side of Wheeler Place, east of Hess Street, south of Bold Street and west of Caroline Street, subject to the following condition:

"That this approval apply to the plan prepared by A. J. Clarke and Associates, O.L.S., dated April 9, 1987."

Respectfully submitted,



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning Branch

BACKGROUND

Owner

Two-Way Construction Ltd., Hamilton, Ontario.

Surveyor

A. J. Clarke and Associates, O.L.S., Hamilton, Ontario.

Location

The lands, comprising 0.1553 ha, are located on the north side of Wheeler Place, east of Hess Street, south of Bold Street and west of Caroline Street, in the Durand Neighbourhood being lots 224 and 225 Registered Plan No. 256 in the City of Hamilton.

PROPOSAL

The owner proposes to construct 24 apartment units in a condominium project.

EXISTING DEVELOPMENT CONTROL

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Area - Existing Development". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Medium Density Apartments".

Zoning - the lands are zoned to permit the proposed development which received Site Plan Approval on December 6, 1986, (DA-86-60).

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the development:

Ministry of the Environment
Niagara Escarpment Commission
City of Hamilton Board of Education
Ontario Hydro, Union Gas, Bell Telephone
City of Hamilton Building Department (subject to an adjustment at the rear yard)
City of Hamilton Traffic Department

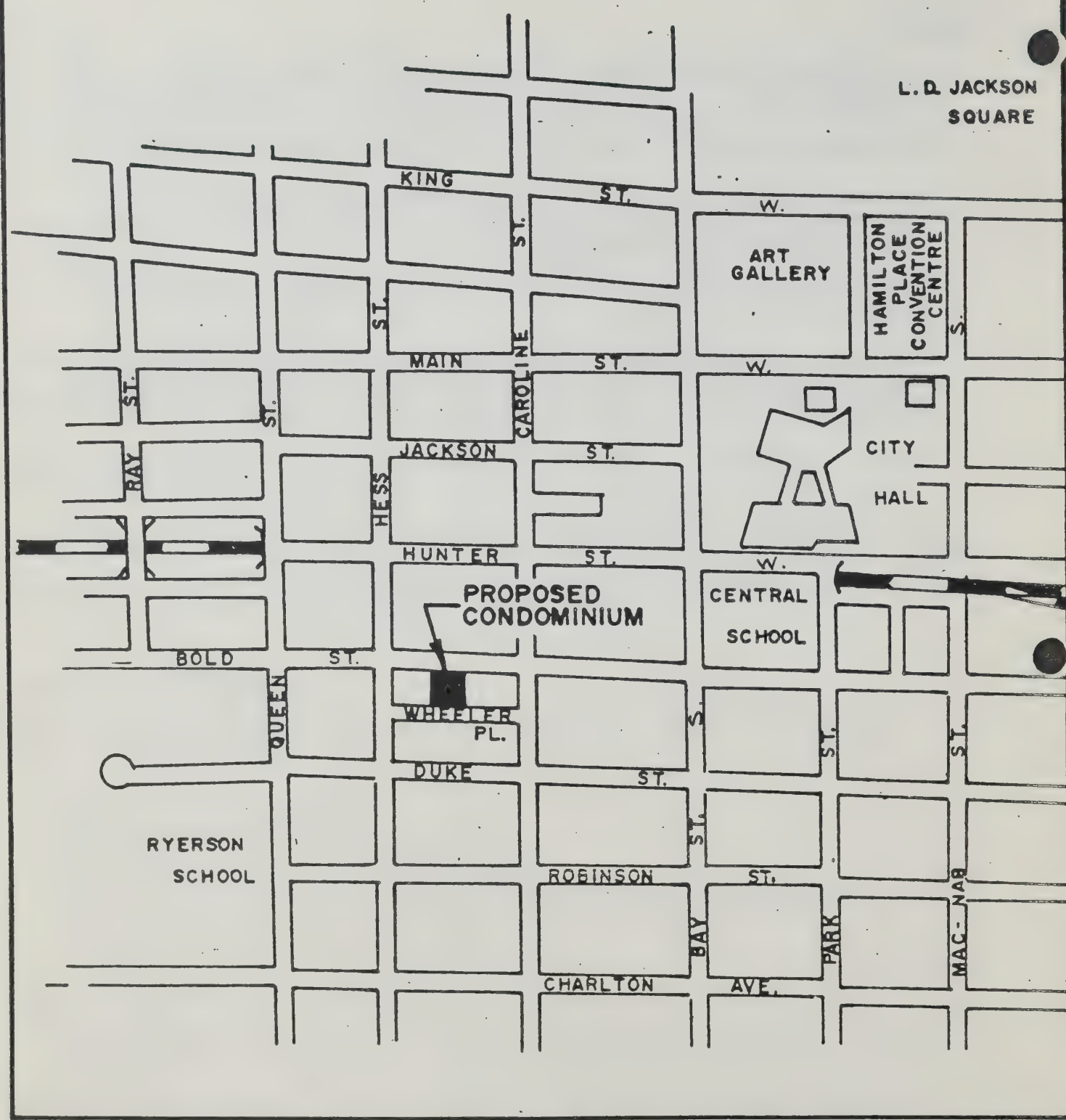
Hamilton-Wentworth Department of Engineering

- 1) Municipal sewers and watermains are available on Bold Street to service these lands.
- 2) The applicant make satisfactory financial arrangements with the Region.
- 3) The submitted plan, as prepared by A. J. Clarke and Associates and dated April 9, 1987 is satisfactory to the Departments of Transportation Services and Engineering subject to the above comments and recommendations.

COMMENTS

1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.
2. No commenting agency has objected to the plan of condominium.
3. The owner is required to clarify the location of walls adjacent to balconies and the balconies not overlooking the side yard in accordance with the approved Site Plan DA-86-60.
4. The proposal also shows a 20.0m rear yard depth instead of 24.664m as required in the Site Plan.
5. The plan of condominium is not a conversion therefore, is not subject to the Rental Housing Protection Act of the Provincial Government regarding rental conversions.

JLS/11



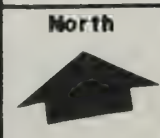
Location Plan For

CARRINGTON TOWERS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 PROPOSED CONDOMINIUM



Scale N. T. S.	Date MAY. 4, 1987
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Reference File No. 25CDM-87010	Drawing No.
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KEY PLAN

SCALE 1:1000



DRAFT PLAN OF:

CARRINGTON TOWERS

BEING A PROPOSED CONDOMINIUM PROJECT OF:
 LOTS 224 AND 225 - KERR, McLAREN & STREET SURVEY
 BEING IN THE BLOCK BOUNDED BY HESS, BOLD, CAROLINE AND WHEELER STREETS

REGISTERED PLAN NO 256

IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:200



A.J. CLARKE O.L.S.

1987

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.048.

RE CHAPTER 349 R.S.O. 1980, SECTION 36(1) - THE PLANNING ACT

- A. SHOWN ON PLAN
- B. SHOWN ON PLAN
- C. SHOWN ON PLAN
- D. SHOWN ON PLAN
- E. SHOWN ON PLAN
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- X. SHOWN ON PLAN
- Y. SHOWN ON PLAN
- Z. SHOWN ON PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBMITTED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

APRIL 9, 1987
 DATE

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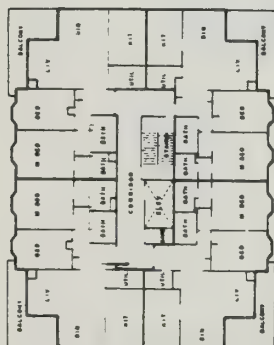
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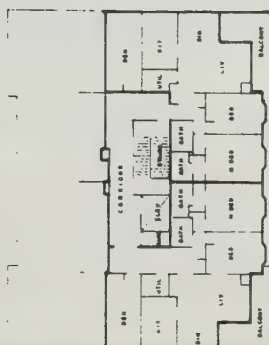
APRIL 9, 1987
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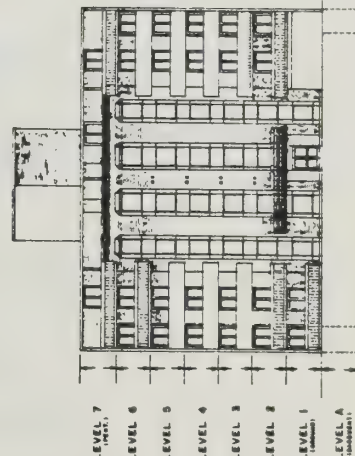
UNIT LAYOUT FOR LEVELS 2, 3, 4, 5, AND 6



UNIT LAYOUT FOR LEVEL 7



FRONT ELEVATION FLOOR LEVELS TO ILLUSTRATE FLOOR LEVELS



UNIT LAYOUT FOR LEVEL 1



BOLD STREET

HESS STREET SOUTH

STREET SOUTH

WHEELER PLACE

WHEELER PLACE

WHEELER PLACE

WHEELER PLACE

WHEELER PLACE

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F O R A C T I O NFROM Planning and Development DepartmentDATE July 23, 1987TO Planning and Development CommitteeRefer to File No. P5-4-2-14Attention of V. J. AbrahamSUBJECT

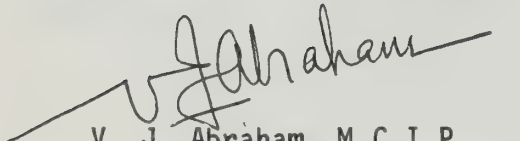
Hamilton Development Incentives Program.

RECOMMENDATION


That the Planning and Development Committee recommend to Council:

- i) that a Development Incentives Sub-Committee be established to oversee the development of vacant or underutilized civic lands on an experimental basis;
- ii) that the Sub-Committee be composed of members from:
 - the Building Department;
 - the Community Development Department;
 - the Property Department;
 - the Planning and Development Department;
- iii) that the Sub-Committee's mandate be formalized by the Sub-Committee and endorsed by the Planning and Development Committee;
- iv) that the development of proposed sites be undertaken by tendering the sites for sale to private developers, subject to conditions established by the Sub-Committee and endorsed by the Planning and Development Committee;
- v) that the two preferred sites identified in this report be forwarded to the Sub-Committee for their consideration in the selection of a site for the pilot project;
- vi) that the Development Incentives Sub-Committee initiate the Program by selecting a site for a pilot project and forwarding the site location to the Planning and Development Committee for endorsement;
- vii) that the Development Incentives Sub-Committee report on the progress of the Program to the Planning and Development Committee and Council from time to time; and,

- viii) that the Development Incentives Sub-Committee evaluate the Program after the completion of a pilot project and report on the program's effectiveness to the Planning and Development Committee and Council.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

A number of underutilized City-owned properties exist throughout Hamilton. The development of these lands would provide a number of benefits to the City and the community as a whole.

A Development Incentives Sub-Committee consisting of staff members of various City Departments should be established to oversee the development of appropriate civic-owned sites.

BACKGROUND

In June 1985, City Council requested the Planning and Development Department to undertake a housing study for the City based on Montreal's "Operation 20,000 Dwellings Units".

The Montreal programme was initiated to combat suburbanization by stimulating the housing market in the inner City. The programme's objectives are to provide 20,000 dwelling units by 1987. The Montreal programme is based on the development of vacant public land or land purchased by the City for development purposes. Development proposals are submitted to the City for specific parcels. After a developer is selected, the land is sold at less than market value to the developer. When a building is occupied, the first purchaser is eligible to a cash subsidy paid by the City.

The purpose of this study is to determine if a Montreal-style programme could be implemented in Hamilton.

During the course of this study, the following aspects were examined:

- the inventory of possible sites in Hamilton;
- the legislative framework through which the Montreal program was created (Province of Quebec legislation); and,
- the economic viability of residential development on the available sites.

It was determined that Hamilton had far fewer vacant publicly-owned (Federal, Provincial, Regional, Municipal) sites than Montreal. Further, in order to stimulate development, Montreal offered subsidies to developers in the form of land prices at less than market value. Ontario Provincial legislation (the Municipal Act) prohibits municipalities from selling land to private enterprise at less than market value.

THE STUDY

There are four components to the Development Incentives Study: the formation of a Development Incentives Program; an investigation of the benefits and costs of a Development Incentives Program; the identification of potential sites; and, the formation of an Implementation Committee to oversee the development of the selected sites.

A) - DEVELOPMENT INCENTIVES PROGRAM

Due to the restrictions of: a limited number of sites; and, differing provincial legislation, the establishment of a Montreal-style program is not possible in Hamilton.

Instead, a new experimental "Hamilton Development Incentives Program" is now envisaged in which underutilized City-owned lands will be tendered with conditions attached to their sale. The conditions would be established to fulfill City objectives and would vary from site to site.

For example, on a site currently used for City-managed surface parking, the conditions might be that, the number of parking spaces would be retained as part of the development proposed and subsequently leased to the City. The developer would be free to provide the parking in any way which is feasible and appropriate for the development (underground, at grade, in a structure). The developer would also be free to utilize the site for any purpose (commercial, residential, etc.) or any market (rental, ownership) that is seen fit, provided that all conditions imposed by the City are met.

Civic lands in the Program would be tendered for sale with conditions and sold to either the highest eligible bidder that met all conditions, or to the best development that matched the appraised value of the lands. Due to the imposition of conditions on the sale of the lands, it is felt that the "fair market value" of the properties would be reduced below that of surrounding lands. In some cases, this may mean that City-owned lands will be sold at less than their acquisition costs.

However, it is felt that these costs will be recovered through:

- increases in the assessment revenue raised by the development;

- increases in the assessment of surrounding properties due to redevelopment inspired by the project; and,
- economic spin-offs of the development itself (e.g., increases in employment, economic activity, construction employment).

It is intended that the Program be instituted on an experimental basis on a single site. After the development of a "pilot" project, an evaluation of the effectiveness of the Program will be undertaken and a recommendation on whether the development of other sites should proceed will be determined.

B) - BENEFITS AND COSTS OF A DEVELOPMENT INCENTIVES PROGRAM

The second phase of the Development Incentives Study was to determine the benefits and costs of a Development Incentives Program to the City.

The development of vacant or underutilized civic lands will have a number of benefits to the City. A Development Incentives Program will:

- more effectively utilize public lands;
- increase the assessment base;
- remove blighted buildings and unsightly vacant lands;
- encourage innovative architectural design;
- implement City policies in the Official Plan and Central Area Plan; and,
- provide a catalyst and example to encourage the private sector to develop, redevelop or rehabilitate their properties in areas surrounding the lands developed under the program.

A Development Incentives Program will incur costs such as staff time and reducing land values that must be borne by the City. Specifically:

- Staff time - based on the Ryerson School site experience, only one project can be developed at a time. The Ryerson project consumed large amounts of staff time. The implementation of an incentives programme would consume large quantities of staff time, possibly resulting in the delay of other important projects.
- Reducing land values - as previously mentioned, it will be necessary to reduce the cost of lands to developers through the placement of conditions on the sale of land which will be sold through the tendering process.

Undoubtedly the potential benefits of a development incentives program would outweigh the associated implementation costs.

B) - IDENTIFICATION AND SELECTION OF POSSIBLE SITES

The third phase of the study was the identification and "short listing" of possible development sites.

A number of City-owned properties in the lower City were identified. The properties were then evaluated with respect to their potential for development. The evaluation criteria included the lands:

- Official Plan designation;
- existing land use;
- compatibility with the surrounding neighbourhood;
- absence of development constraints;
- zoning;
- Neighbourhood Plan designation;
- type of possible dwellings;
- number of possible dwellings;
- access and accessibility;
- access to services, transportation and employment opportunities; and,
- fulfillment of other planning goals and objectives.

The majority of the available sites were unsuitable for development due to their size or their existing land use. However, two properties with a high potential for redevelopment were identified as possible sites for a test of the program. The preferred site is a municipal parking lot at 80 Queen Street North. The alternate site is a municipal parking lot located at 76 John Street North. A detailed description and location maps of the two sites is provided in Appendix "B".

C) - IMPLEMENTATION OF THE DEVELOPMENT INCENTIVES PROGRAM

The next phase of the study should be initiated in order to proceed with the development of a pilot project. An implementation Sub-Committee should be created to oversee the development of the site. The Sub-Committee should consist of representatives from the Building, Community Development, Property and Planning and Development Departments.

CONCLUSION

The next phase of the study, the formation of a Development Incentives Sub-Committee, should be undertaken in order to proceed with the initiation of a pilot project to develop a site on an experimental basis.

DO:BJ:cs
Attach.
WPDOC 0227P

APPENDIX "A"

PROPOSED MANDATE OF THE DEVELOPMENT INCENTIVES SUB-COMMITTEE

The mandate of the Development Incentives Sub-Committee is:

- to further investigate the suitability of the two sites identified as well as locate other sites suitable for development and prioritize the development of suitable properties;
- to make a recommendation of the "pilot" site to be developed to Planning and Development Committee and Council;
- to identify the conditions which should be placed on the site as a condition of sale;
- to oversee the tendering of the sale of the pilot site;
- to judge the compliance of offers to purchase with the conditions of sale of the pilot project site;
- to liaise with the selected builder/developer throughout the design and construction phase of projects;
- to report the progress of the Program to the Planning and Development Committee and Council from time to time; and,
- to evaluate the Program after the completion of a pilot project and report on its effectiveness to the Planning and Development Committee and Council.

APPENDIX "B"
PREFERRED SITE

PROPERTY ROLL # 020-122-52030

PROPERTY ADDRESS - 80 Queen Street North

NEIGHBOURHOOD NAME - Central
NUMBER - 6704

PROPERTY OWNER - City of Hamilton

PROPERTY SIZE (acres) 1.960
(sq. ft.) 85,378

PROPERTY FRONTAGE - 265.89 ft.
DEPTH - irregular

EXISTING LAND USE - Parking Lot
- 187 automobiles and 22 bus parking spaces

STRUCTURES PRESENT- None

EXISTING ZONING - CR-3/S-871

OFFICIAL PLAN
DESIGNATION - Central Policy Area - Special Policy Area #3

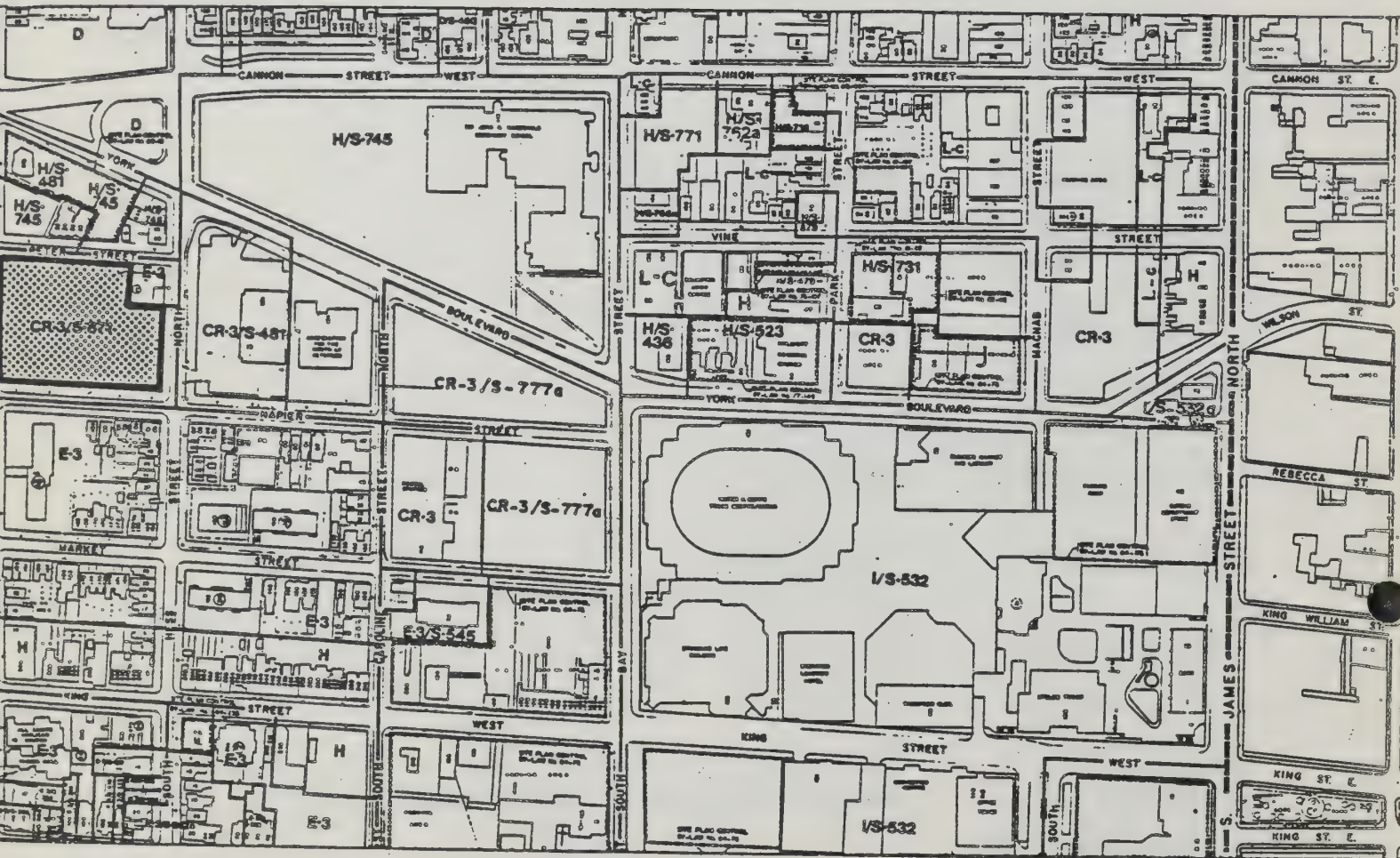
NEIGHBOURHOOD PLAN
DESIGNATION - Commercial and Apartments

HAZARD LANDS - No

ENVIRONMENTALLY
SENSITIVE AREA - No

COMMENTS - Used for Victor K. Copps Collisium Parking

LOCATION MAP



Legend



Preferred Site



Hamilton Development Incentives Program

20

ALTERNATE SITE

PROPERTY ROLE # 020-153-58940

PROPERTY ADDRESS - 76 John Street North

NEIGHBOURHOOD NAME - Beasley
NUMBER - 6703

PROPERTY OWNER - City of Hamilton

PROPERTY SIZE - (acres) 1.500
- (sq. ft.) 65,209

PROPERTY FRONTAGE - 206.75 ft.
DEPTH - 315.50 ft.

EXISTING LAND USE - Parking Lot
- 191 Parking spaces

STRUCTURES PRESENT - None

EXISTING ZONING - "I"

OFFICIAL PLAN
DESIGNATION - Central Policy Area - Special Policy Area #3

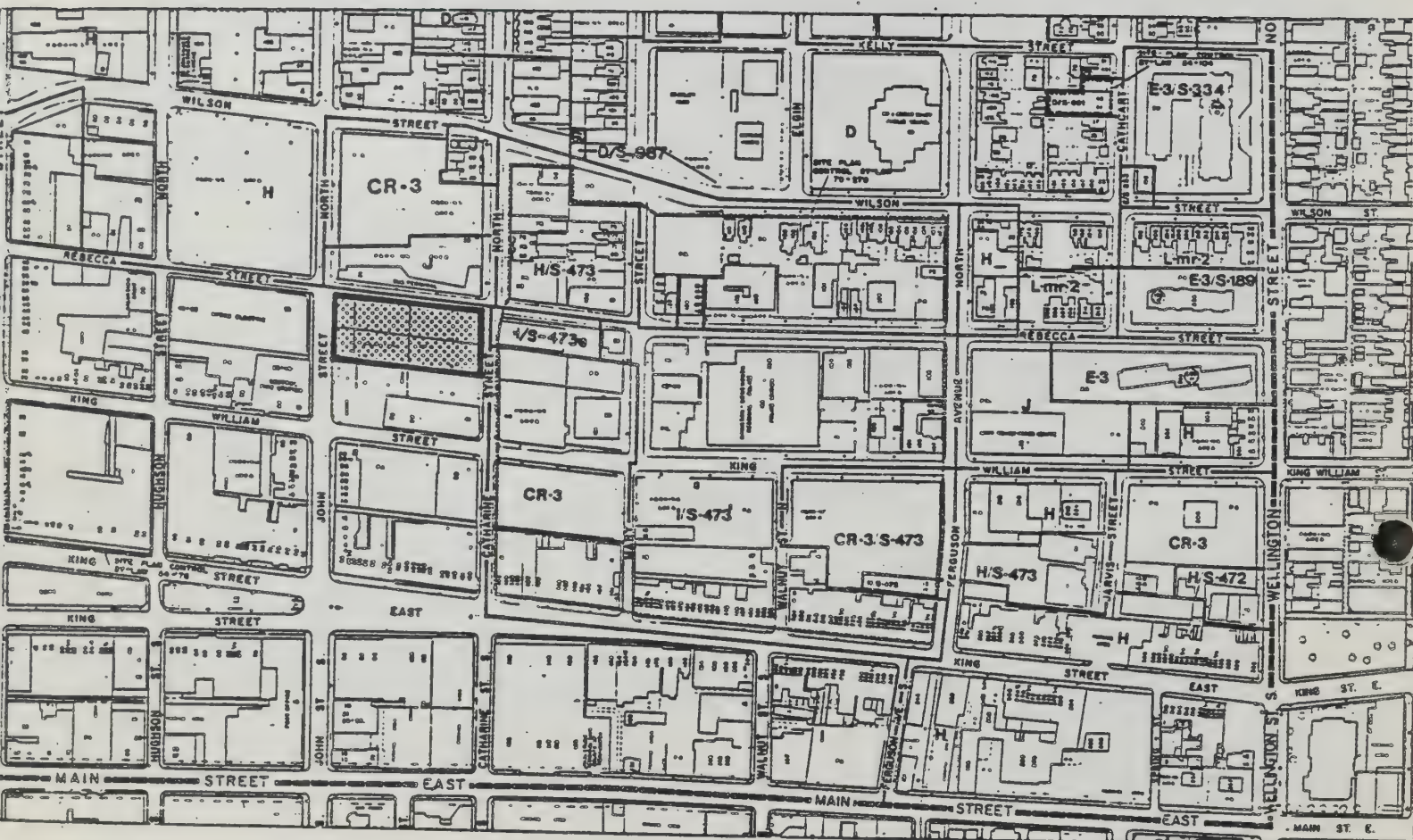
NEIGHBOURHOOD PLAN
DESIGNATION - Commercial

HAZARD LANDS - No

ENVIRONMENTALL
SENSITIVE AREA - No

COMMENTS - Across the street from the bus terminal.

LOCATION MAP



Legend



Alternate Site



Hamilton Development Incentives Program

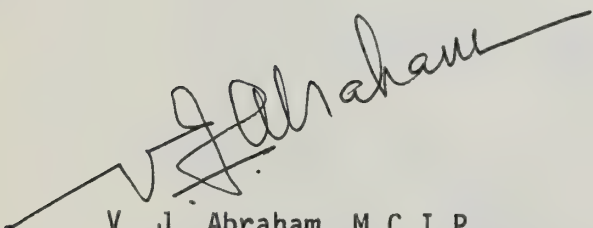
FOR ACTIONFROM: Planning and Development DepartmentDATE: September 4, 1987TO: Planning and Development CommitteeFILE NO.: P-5-4-37ATTENTION: V. J. AbrahamSUBJECT

Ethnic Commercial Villages

RECOMMENDATION

That the Planning and Development Committee recommend to Council:

- i) That the Community Development Department use the ethnic population information in this report to assist Business Improvement Areas to capitalize on the promotional benefits of their ethnic businesses and surrounding ethnic populations;
- ii) That the Community Development Department continue to assist groups to establish Business Improvement Areas, and in areas of ethnic business concentrations, undertake other appropriate actions to improve and promote ethnic commercial villages; and,
- iii) That the Regional Economic Development Department promote these ethnic commercial villages as tourist attractions.



V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

Ethnic commercial villages, that is, groups of commercial businesses serving ethnic groups, are located in a number of areas in the City. They are an important resource to the community that reflects the varied multi-cultural heritage of Hamilton. These "villages" should be enhanced and promoted through existing City and Regional programs.

BACKGROUND

A request to investigate the feasibility of establishing international villages in the City of Hamilton was made at the Regional Economic Development and Planning Committee on February 10, 1986. This was endorsed by the Committee and staff was requested to report on the feasibility.

A similar request was made to the City of Hamilton Planning and Development Committee on February 12, 1986. The City's Committee requested the Local Planning Branch of the Regional Planning and Development Department to undertake the international village study.

This report examines the role of municipal involvement in the establishment of ethnic commercial villages.

OVERVIEW - ETHNIC CONCENTRATION

Historically, concentrations of ethnic populations occur when newly arriving immigrants choose to locate in areas of the city where their family, friends and ethnic serving businesses and associations are readily available. These support services provide a useful network that can assist immigrants in establishing themselves in the community.

Frequently these ethnic receiving areas are located in the central portion of the city where accommodation costs are lower and accessibility to goods, services and employment opportunities are highest.

In many cases, as the ethnic groups become established, they leave the ethnic receiving area for other parts of the city. Often their places are taken by other newly arriving ethnic groups.

Figure 1 and Figure A1 in the Appendix show the ten largest ethnic groups in Hamilton. While Hamilton's ethnic character is largely British (52% in 1981), this dominance has declined considerably since 1951 (67%) (Figure 2). The ethnicity of the remainder of the City's population is very diverse with only one other ethnic group (Italian) comprising more than 4% of the total population.

Figure 1

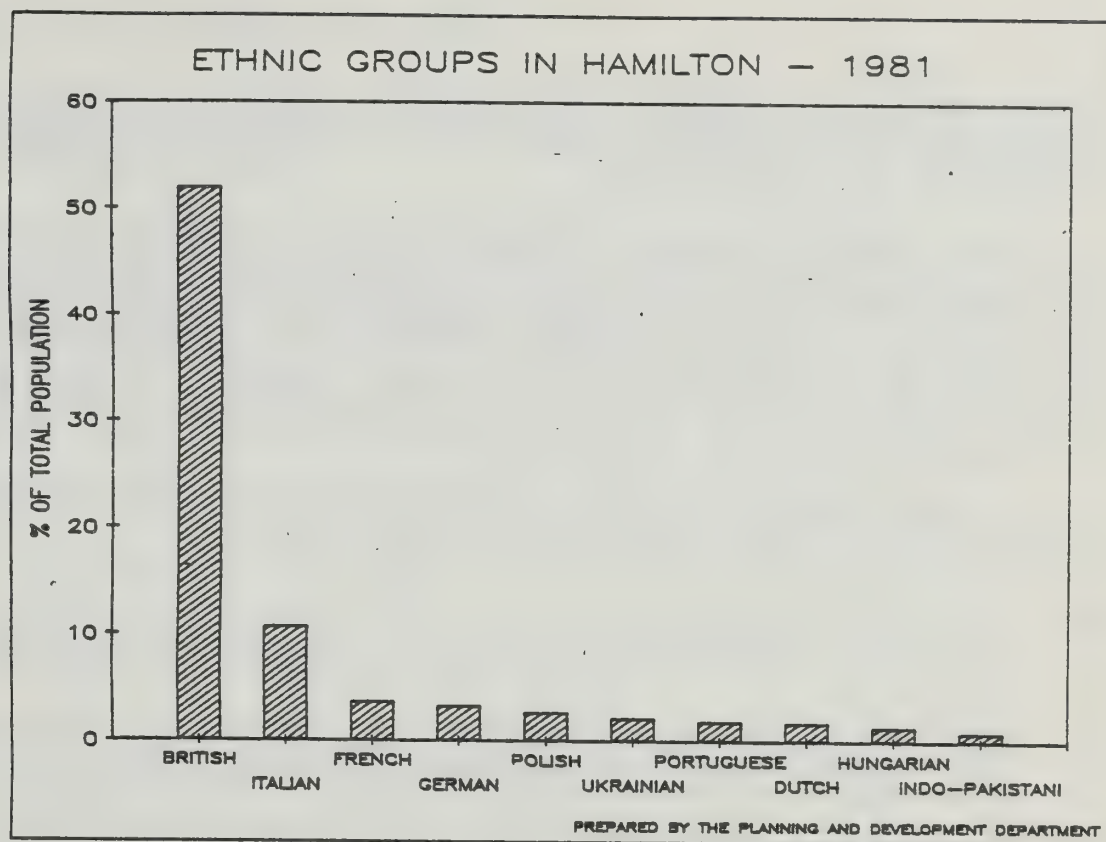
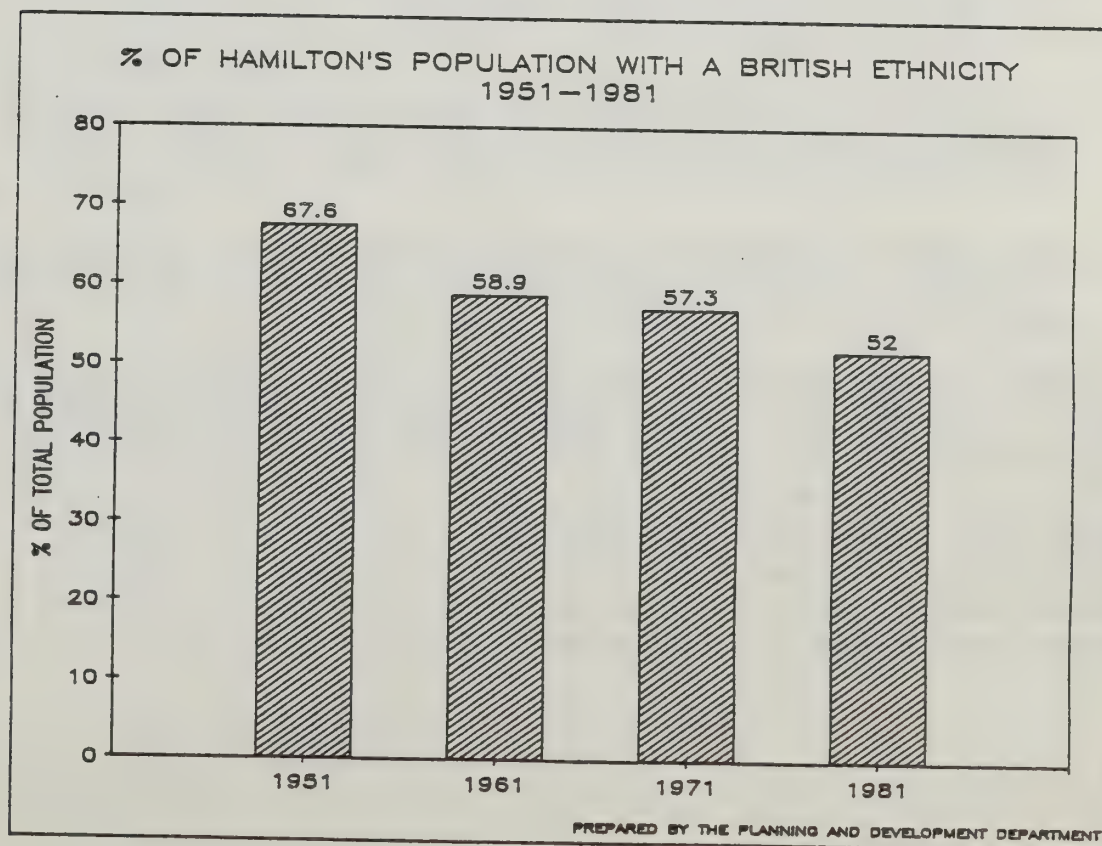


Figure 2



21.

Maps A1 to A6 in the Appendix illustrate the concentration of ethnic populations and community services of the six largest ethnic communities in Hamilton (excluding British).

In general, most of the ethnic communities have relatively widely dispersed populations. An exception is the Portuguese Community which is concentrated in the central area of the City. In addition, neighbourhoods in Hamilton are generally fairly homogeneous. The population of most neighbourhoods are usually composed of a large number of ethnic groups none of which (excluding British) compose the majority of the population in the neighbourhood.

The following observations can be made about the location of ethnic populations and ethnic community facilities in Hamilton:

- the Italian population is concentrated in the central portion of the lower city from Queen St. to Ottawa St., in the east end of the lower city, and in the central mountain area;
- the French population, which is concentrated in the lower City, is very dispersed due to the long length of residency in the City;
- the German population is centred in the south-west end of the lower city, although pockets of concentrations exist in a number of other locations of the City, reflecting this groups relatively long residence in the City;
- the Polish population is located in the central portion of the lower City between Wentworth St. and Ottawa St., and in the western portion of the lower City and mountain;
- the Ukrainian population is concentrated in the south central area of the lower city between Sherman Ave. and Strathearn Ave., although other concentration exists in the central and western portions of the City; and,
- the Portuguese population is highly concentrated and is centred on the downtown area between Queen St. and Victoria St. which reflects their relatively recent arrival to the City.

Businesses serving specific ethnic groups are often concentrated in areas within or adjacent to ethnic population concentrations, but exclusive ethnic commercial shopping areas have not yet been established in the City.

Unlike some other cities, Hamilton does not have a "China Town" or "Little Italy". Instead, pockets of businesses serving a number of different ethnic groups ("ethnic commercial villages") have evolved in various areas of the City (for example: James St. N. and Barton St. East).

BENEFITS OF ETHNIC COMMERCIAL VILLAGES

The promotion and improvement of existing ethnic commercial villages will provide a number of benefits to ethnic groups, commercial areas and the City as a whole, including:

- increasing public awareness of the local multi-cultural mosaic;
- creating stronger ties within the ethnic communities and between these communities and the broader community;
- providing an opportunity for citizens to participate and enjoy their own and other cultural heritages;
- providing marketing opportunities for commercial areas; and,
- revitalizing commercial areas.

ROLE OF MUNICIPAL GOVERNMENT

At present Hamilton does not have a large number of ethnic commercial villages. As mentioned previously, ethnic commercial villages evolve through a natural process in which businesses establish themselves to serve adjacent ethnic populations, and new immigrants locate where ethnic services exist. Municipal Government actions to artificially create ethnic commercial villages where markets for ethnic services do not exist would likely not be successful. Therefore, the role of the municipality should be to improve and promote existing ethnic commercial villages utilizing existing municipal programs.

This could be accomplished through the Region's existing tourism promotion publications and through the City's Business Improvement Area (B.I.A.) program.

The Region's tourism publications should capitalize on the cosmopolitan, multi-cultural nature of the City through the promotion of ethnic commercial areas.

Similarly, B.I.A.'s could use the presence of ethnic serving businesses in their areas as a promotional tool to attract customers. The locational maps showing ethnic population concentrations in the appendix of this report would be useful to determine the area of distribution of advertisements written in ethnic languages. Advertising for B.I.A.'s could also stress the ethnic serving goods and services that their members offer. Finally, B.I.A.'s that are within or adjacent to ethnic population concentrations could enhance their marketability by encouraging ethnic commercial establishments to locate within their areas.

CONCLUSIONS

The following steps should be undertaken to improve and promote existing ethnic commercial villages:

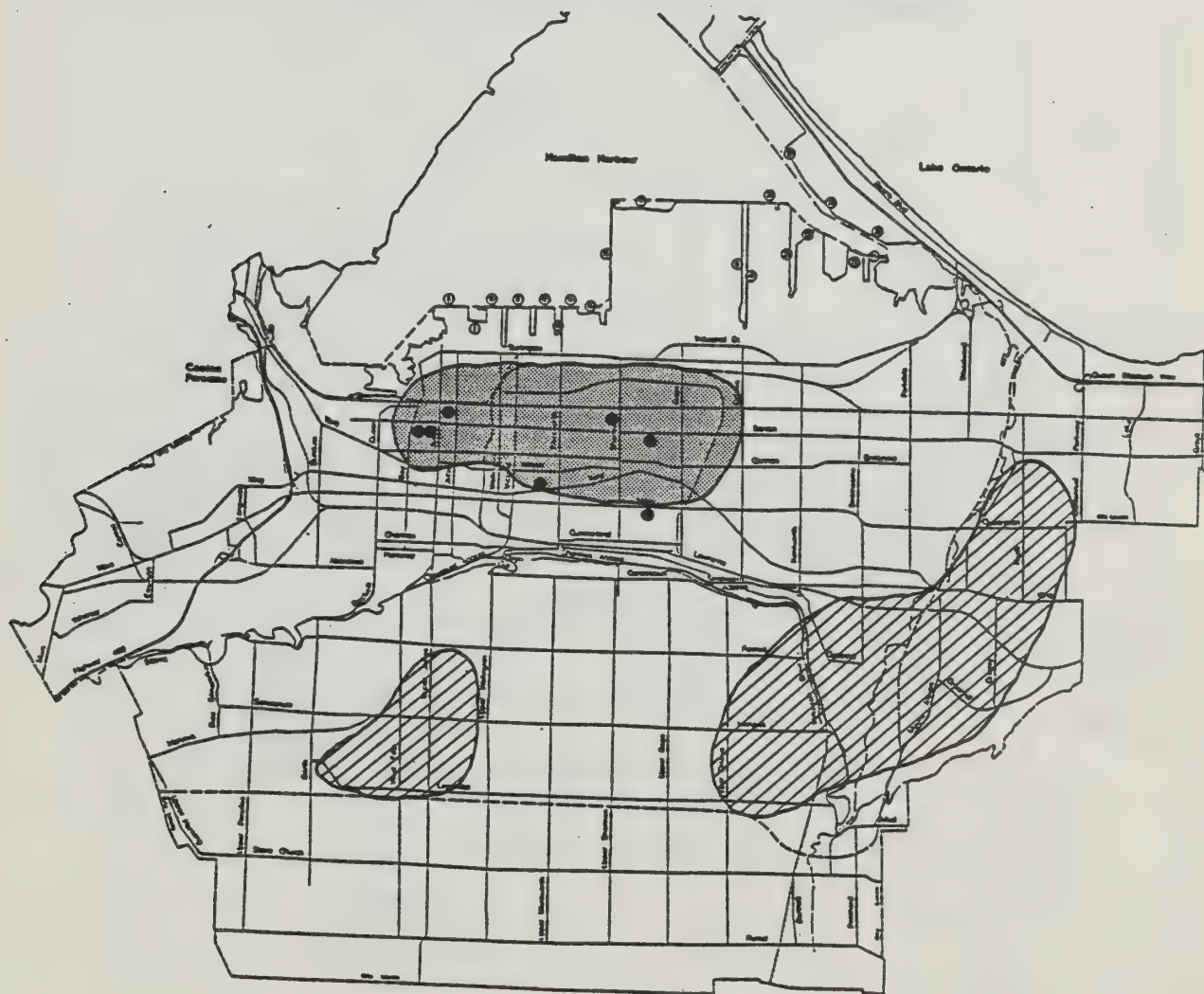
1. where requested by local businessmen, the City, through the Community Development Department should support the creation of Business Improvement Areas to improve and promote existing ethnic commercial village areas;
2. the Community Development Department should use the ethnic population information in this report to help Business Improvement Areas to promote and enhance their ethnic commercial roles; and,
3. the Regional Economic Development Department should promote existing ethnic commercial villages through their distribution of tourism material.


D.O.:nd


W.P. DOC. 0225P

MAP A1

AREAS OF ITALIAN POPULATION AND COMMUNITY FACILITIES CONCENTRATIONS



 PRIMARY POPULATION CONCENTRATION

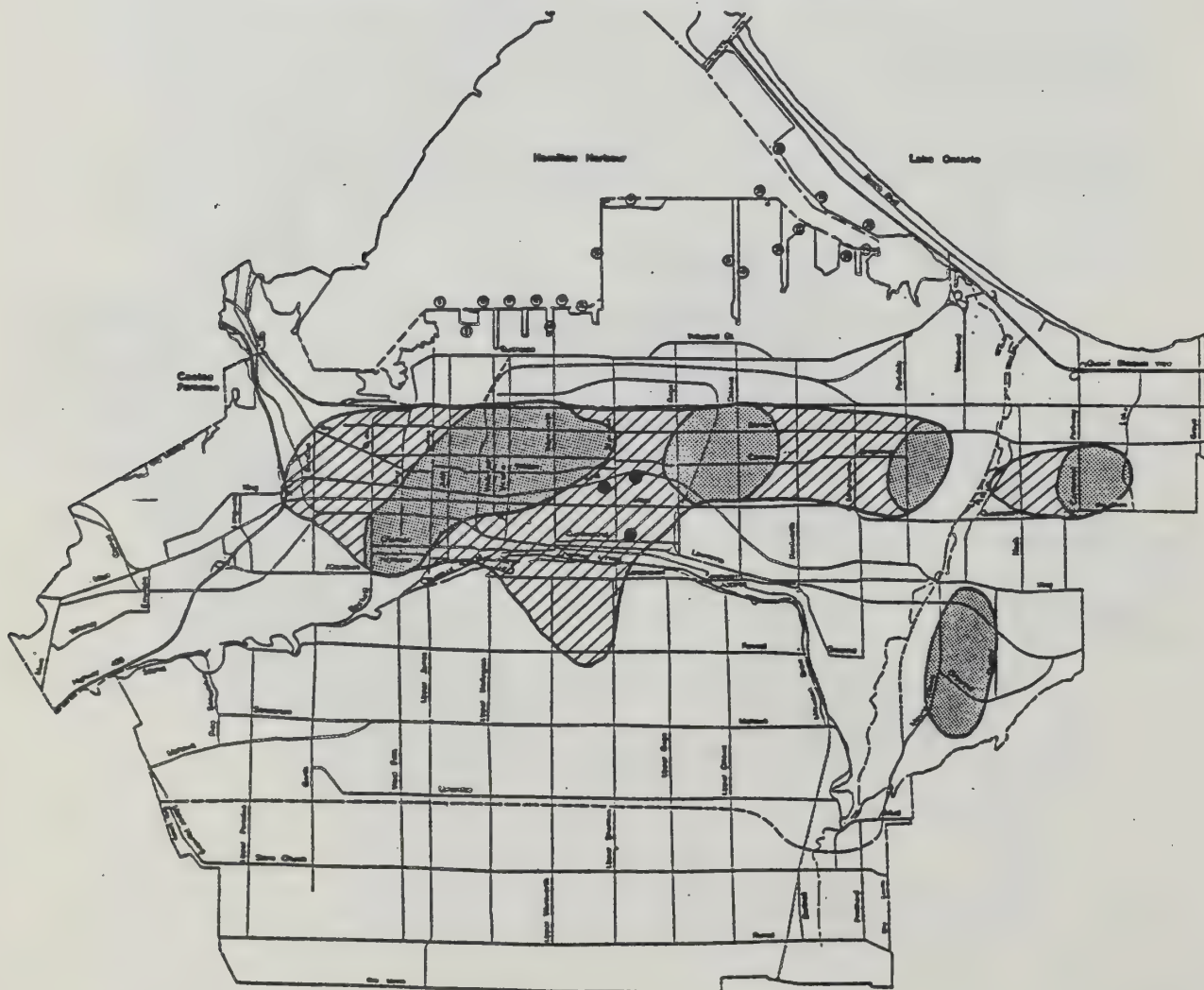
 SECONDARY POPULATION CONCENTRATION

● COMMUNITY CENTRES

Source: Statistics Canada. 1981 Census of Canada. Special
Tabulation.
Hamilton and District Multicultural Council.
Ethnocultural Directory of Hamilton-Wentworth.

MAP A2

AREAS OF FRENCH POPULATION AND
COMMUNITY FACILITIES CONCENTRATIONS



PRIMARY POPULATION CONCENTRATION



SECONDARY POPULATION CONCENTRATION

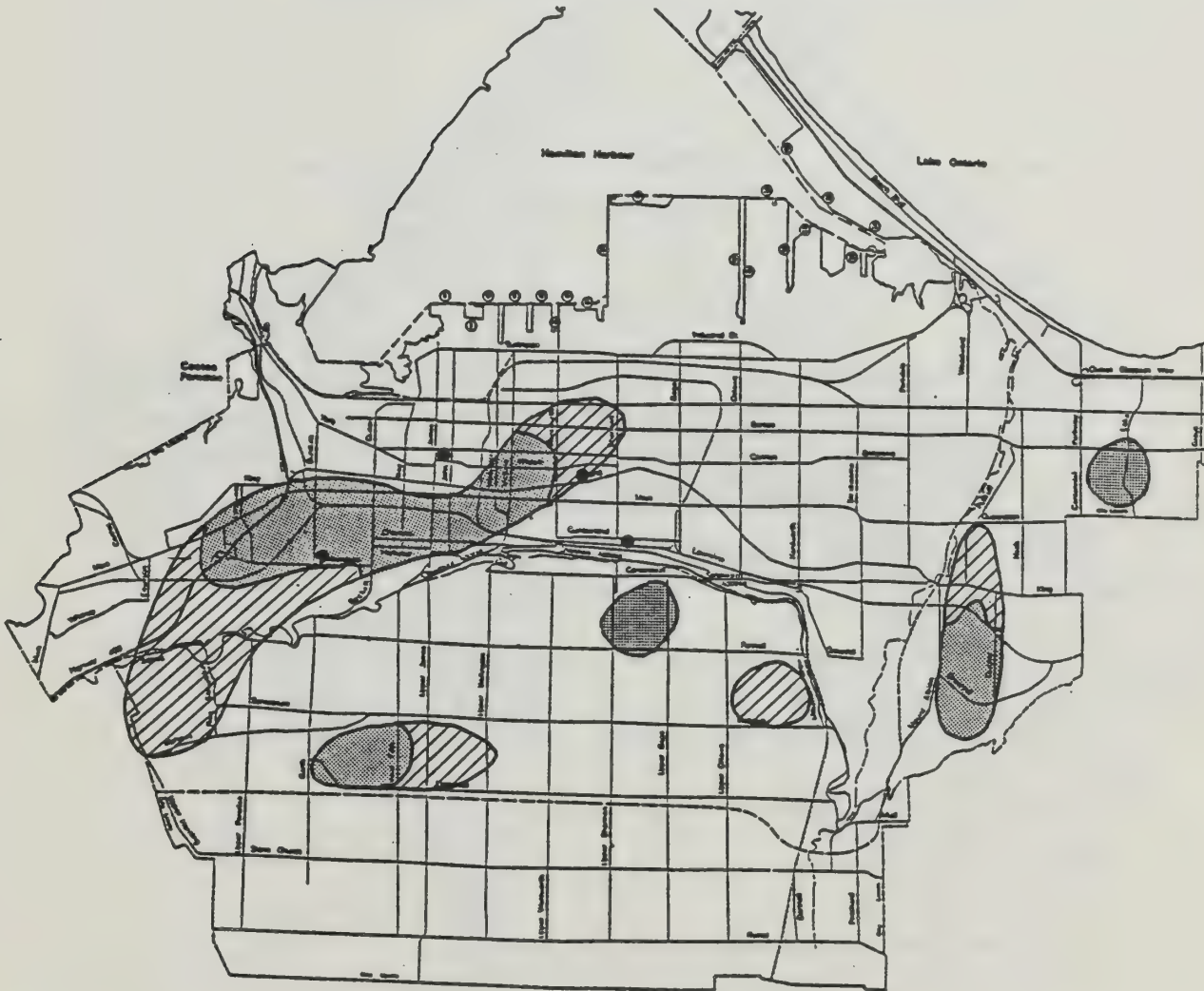




COMMUNITY CENTRES

Source: Statistics Canada. 1981 Census of Canada. Special Tabulation.
Hamilton and District Multicultural Council.
Ethnocultural Directory of Hamilton-Wentworth.

MAP A3

AREAS OF GERMAN POPULATION AND COMMUNITY FACILITIES CONCENTRATIONS

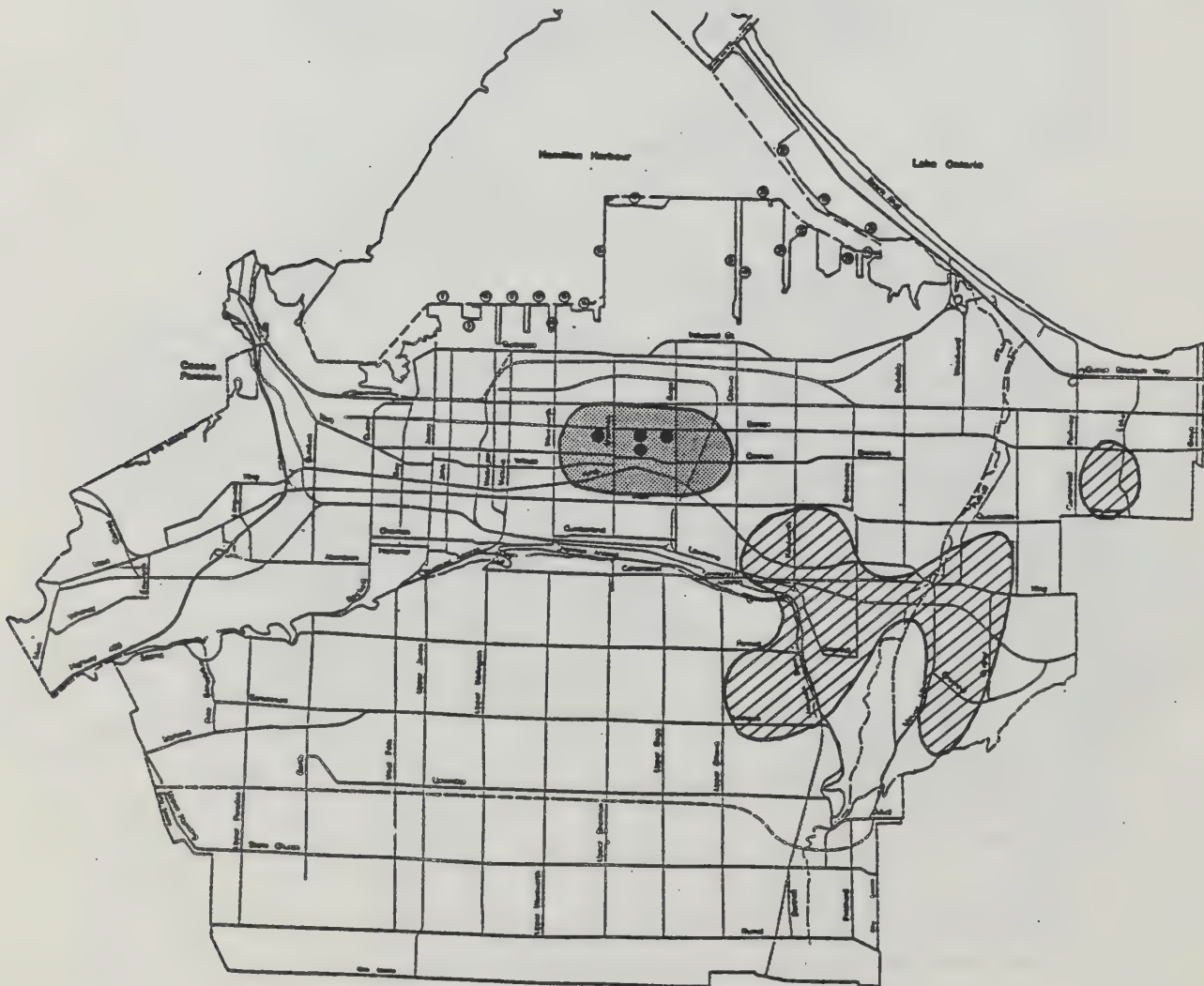


-  PRIMARY POPULATION CONCENTRATION
-  SECONDARY POPULATION CONCENTRATION
- COMMUNITY CENTRES

Source: Statistics Canada. 1981 Census of Canada. Special Tabulation.
Hamilton and District Multicultural Council.
Ethnocultural Directory of Hamilton-Wentworth.

MAP A4

AREAS OF POLISH POPULATION AND COMMUNITY FACILITIES CONCENTRATIONS

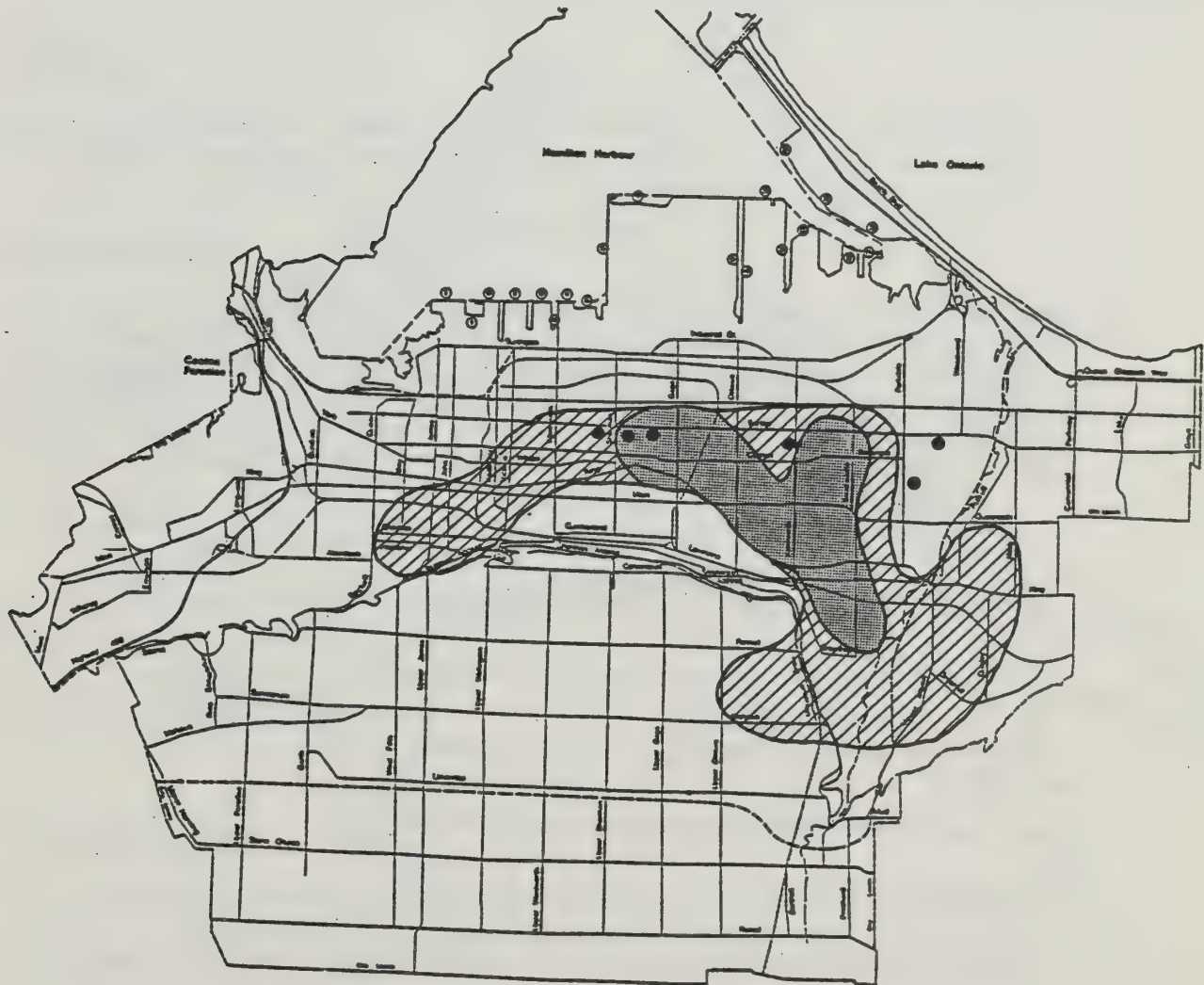


- PRIMARY POPULATION CONCENTRATION
- SECONDARY POPULATION CONCENTRATION
- COMMUNITY CENTRES

Source: Statistics Canada. 1981 Census of Canada. Special Tabulation.
Hamilton and District Multicultural Council.
Ethnocultural Directory of Hamilton-Wentworth.

MAP A5

AREAS OF UKRAINIAN POPULATION AND
COMMUNITY FACILITIES CONCENTRATIONS



PRIMARY POPULATION CONCENTRATION



SECONDARY POPULATION CONCENTRATION



COMMUNITY CENTRES

Source: Statistics Canada. 1981 Census of Canada. Special
Tabulation.
Hamilton and District Multicultural Council.
Ethnocultural Directory of Hamilton-Wentworth.

22.

F O R A C T I O N

FROM Planning and Development Department

DATE August 21, 1987

TO Planning and Development Committee

Refer To File No. P7-3

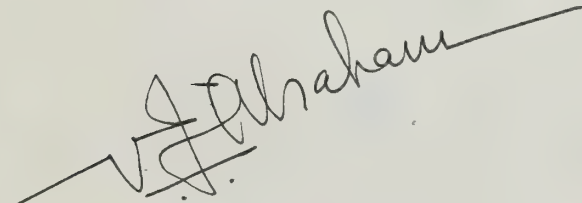
Attention Of V. J. Abraham

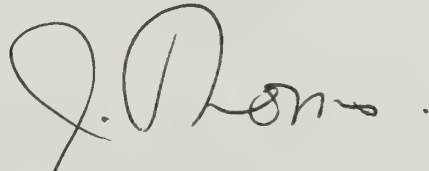
SUBJECT

Revised proposal to amend the Hamilton-Wentworth Official Plan to relocate a proposed district shopping centre in the Town of Ancaster.

RECOMMENDATION

That the Planning and Development Committee recommend to Council that the City Clerk inform the Regional Municipality of Hamilton-Wentworth that the City does not object to the proposed amendment to the Hamilton-Wentworth Official Plan to relocate a proposed shopping centre in the Town of Ancaster.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

The proposed amendment to the Hamilton-Wentworth Official Plan would permit the relocation of a proposed district shopping centre from a site at Mohawk Road and Highway 403 to a site approximately 800 metres to the east.

BACKGROUND

This application to amend the Hamilton-Wentworth Official Plan originally appeared before the Planning and Development Committee on May 27, 1987 (see attached report) and was subsequently referred back to Committee by City Council at its meeting of June 23, 1987.

Since this time, the applicants have amended their application to only include the relocation of the district level shopping centre and not include the redesignation of other lands from industrial to residential (see attached map 1).

ANALYSIS

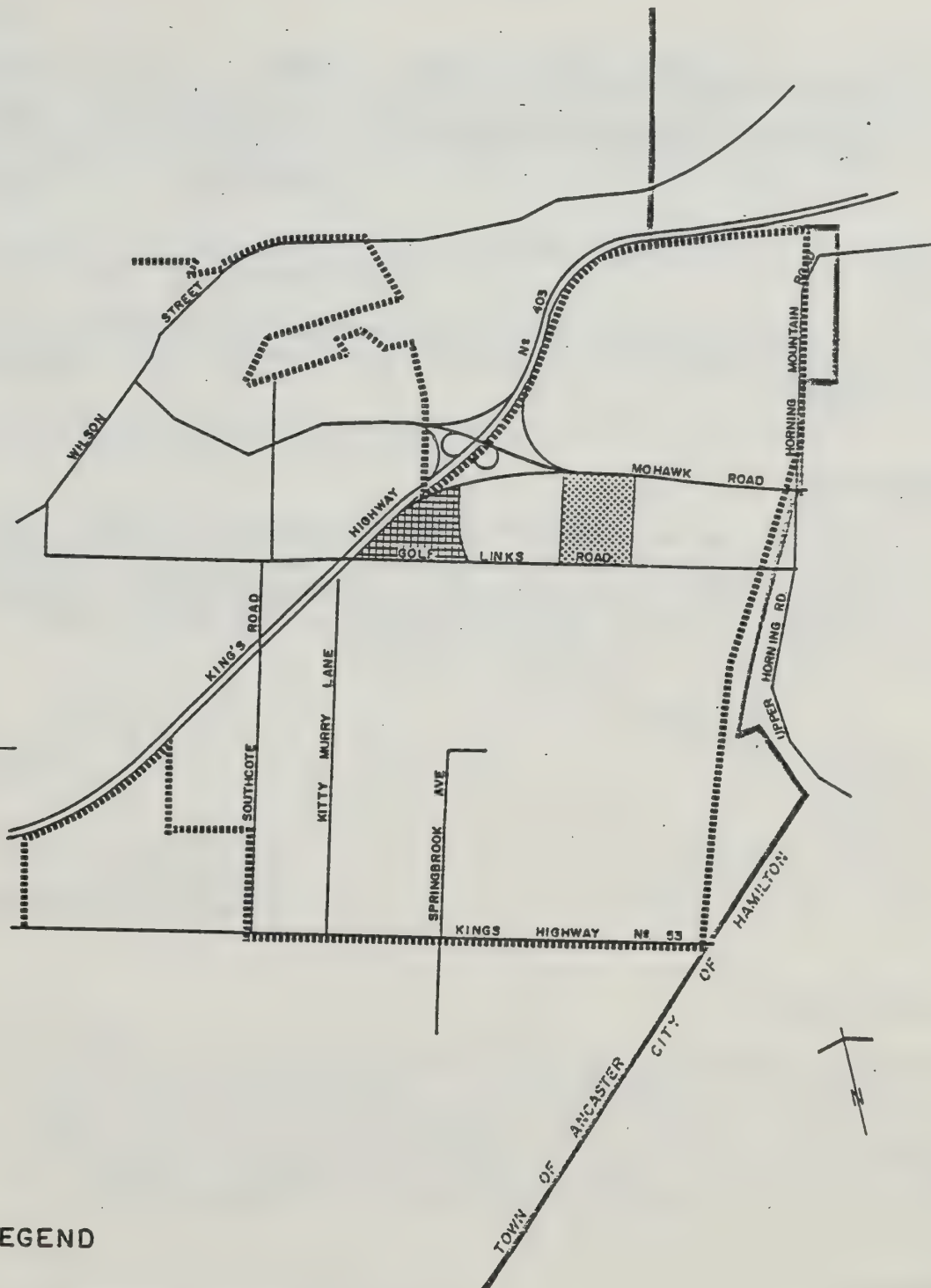
The proposed district shopping centre will likely serve a portion of the "west mountain" area of Hamilton. However, given the fact that the necessary designations for the shopping centre already exist, the proposal to relocate it 800 metres to the east will not likely change its impact on the City of Hamilton.

CONCLUSION



The proposed amendment to the Hamilton-Wentworth Official Plan will not conflict with the planning intentions of the City of Hamilton.

D.O.:nd

W.P. DOC. 0637P



LEGEND

- ANCASTER / HAMILTON CITY LIMITS
- ANCASTER URBAN AREA BOUNDARY
-  LANDS TO BE REDESIGNATED FROM RESIDENTIAL AND RELATED USES TO INDUSTRIAL
-  LANDS TO BE REDESIGNATED FROM INDUSTRIAL TO RESIDENTIAL AND RELATED USES.



MAY, PIRIE & ASSOCIATES LIMITED
 COMMUNITY PLANNING & DEVELOPMENT CONSULTANTS
 3330 SOUTH SERVICE ROAD, BURLINGTON, ONTARIO
 L7N 3N6 (905) 632-4046

FOR ACTION

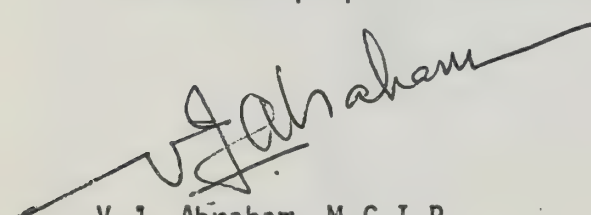
FROM Planning and Development Department DATE May 15, 1987
TO Planning and Development Committee Refer to File No. P-7-3
Attention Of V.J. Abraham

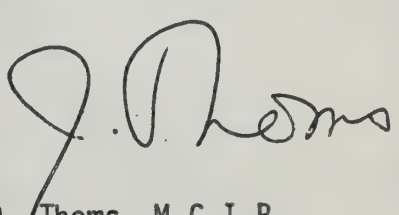
SUBJECT

Proposal to amend the Hamilton-Wentworth Official Plan to relocate a proposed district shopping centre and designate lands for residential purposes in the Town of Ancaster.

RECOMMENDATION

That the Planning and Development Committee recommend to Council that the City Clerk inform the Regional Municipality of Hamilton-Wentworth that the City does not object to the proposed amendment to the Hamilton-Wentworth Official Plan to relocate a proposed shopping centre and to designate lands for residential purposes in the Town of Ancaster.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development

EXPLANATORY NOTE

The proposed amendment to the Hamilton-Wentworth Official Plan would permit the relocation of a proposed district shopping centre from a site at Mohawk Road and Highway 403 to a site approximately 800 metres to the east. The amendment would also change the designation of lands located approximately 400 metres from the Town of Ancaster and City of Hamilton boundary from "Industrial Business Parks" to "Residential and Related Uses".

BACKGROUND

The subject lands are within the area previously known as the "Allarco" lands. By order of the Ontario Municipal Board, a designation for a 23,000 square metre (250,000 square feet) district shopping centre exists at the corner of Mohawk Road and Highway 403. The applicants are proposing to relocate the shopping centre site approximately 800 metres to the east along Mohawk Road. (See attached map - Appendix 1.) In addition, they are proposing to redesignate lands located approximately 400 metres from the boundary of the City of Hamilton and the Town of Ancaster, south of Golf Links Road, to allow residential uses. These lands are currently designated "Industrial Business Park" in the Hamilton-Wentworth Official Plan.

ANALYSIS

The proposed district shopping centre will likely serve a portion of the "west mountain" area of Hamilton. However, given the fact that the necessary designations for the shopping centre already exist, the proposal to relocate it 800 metres to the east will not likely change its impact on the City of Hamilton.

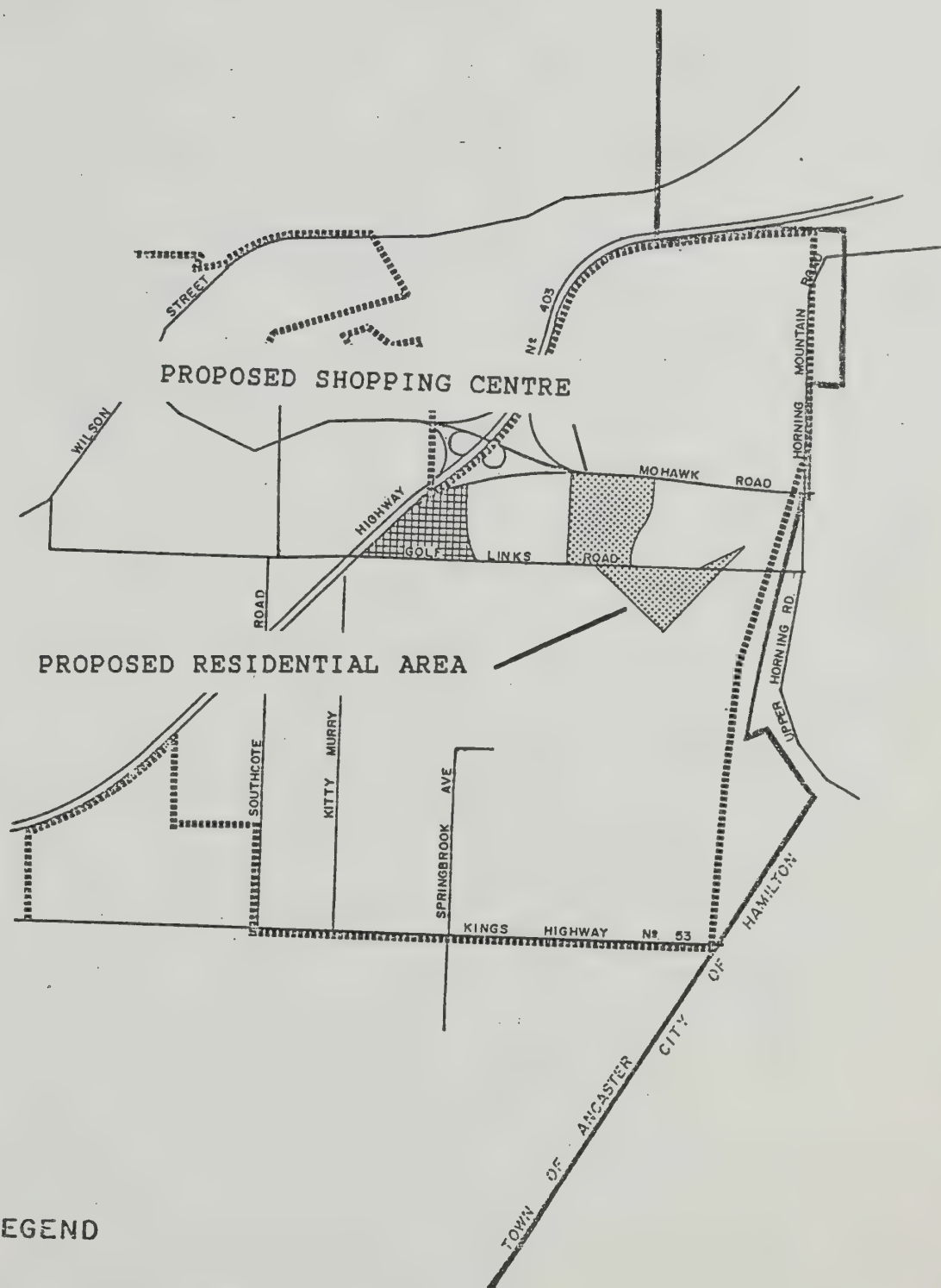
The proposal to redesignate lands from industrial to residential uses should not impact the City of Hamilton.

CONCLUSION



The proposed changes to the Hamilton-Wentworth Official Plan will not adversely affect the City of Hamilton.

DO/lm
W.P. DOC. NO. 0183P (13-14)

APPENDIX 1



LEGEND

- ANCASTER / HAMILTON CITY LIMITS
- ANCASTER URBAN AREA BOUNDARY
-  LANDS TO BE REDESIGNATED FROM RESIDENTIAL AND RELATED USES TO INDUSTRIAL
-  LANDS TO BE REDESIGNATED FROM INDUSTRIAL TO RESIDENTIAL AND RELATED USES.



MAY, PIRIE & ASSOCIATES LIMITED
COMMUNITY PLANNING & DEVELOPMENT CONSULTANTS
324 LOCUST STREET, BURLINGTON, ONTARIO
L7S 1V2 M1M 632-4066

FROM: Planning and Development Department

DATE: September 8, 1987

TO: Planning and Development Committee

Refer to File No. P5-4-7-15

Attention Of V. J. Abraham

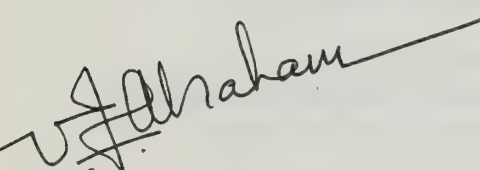
SUBJECT

High Density Residential Development Study, Phase 2

RECOMMENDATION

That the Draft Interim Report for the High Density Residential Development Study be received for information.

That the Planning and Development Department be directed to proceed with Phase 2 of the High Density Residential Development Study.


V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

On April 29, 1987, the Planning and Development Committee approved the Terms of Reference for the High Density Residential Development Study. Phase 1 of this Study, focussing upon the collection of background data, is complete. Phase 2, which is already programmed and funded, now requires Planning and Development Committee approval, to meet the Provincial deadline of April, 1988.

BACKGROUND

A study on High Density Residential Development in the Central Area has been included in the 1987 Work Program. This study originally was recommended at a joint meeting of LACAC, CAPIC, the Durand Neighbourhood Association and the Durand Neighbourhood Plan Advisory Committee. The Hamilton Real Estate Board and the Chamber of Commerce have also indicated their support for the Study.

The City applied for and received a \$35,000 Community Planning Grant from the Ministry of Municipal Affairs, to cover 50% of Study costs.

The Planning and Development Committee directed the Planning and Development Department to proceed with this Study on April 29, 1987.

A draft interim report, containing the necessary background information, has been completed, as has a set of inventory panels.

SUMMARY OF BACKGROUND REPORT - AREAS INVESTIGATED AND CONCLUSIONS

1. High Density Housing: Supply and Demand

- o The extent and distribution of lands within the Central Area zoned for high density residential development (E, E-1, E-2, E-3, LMR-2) was determined.
- o The high density housing stock was analysed, and changes in this stock over time were determined.
- o Extent of demand for new High Density Residential in Hamilton as a whole and the Central Area, in particular, was determined.
- o Changes in household composition and income, trends in the availability of alternative forms of housing, and anticipated growth rates, were analysed.

Observations:

- o Lands zoned for high density residential developments and high density units are over-represented in the Central Area.
- o Within the Central Area, the Durand and Corktown neighbourhoods have the greatest concentrations of high density residential lands and development.
- o The rate of growth in the high density housing stock recently has declined significantly.
- o Changes in the housing market have created a high demand for high density housing, in Hamilton as a whole and especially in the Central Area.

2. Concerns Regarding High Density Housing

- o Impacts of High Density Residential upon aspects of the urban environment such as the following were identified:
 - preservation of existing building stock
 - preservation of streetscapes
 - view corridors
 - parking

o Observation:

City land use policy and regulations must determine which of these are of importance, and address them.

3. Policies, Programs and Regulations Pertaining to Central Area Housing Policy

- o City land use policies and regulations affecting High Density Residential development were analysed.
- o Other legislative initiatives affecting the High Density Residential housing stock were identified.
- o Observations:
 - land use policy generally addresses the need for new high density residential development and the design issues listed above;
 - new designations for lands zoned for High Density Residential within the Durand Neighbourhood remain to be completed;
 - the Zoning By-law generally encourages more High Density Residential development, but does not implement planning policy in other respects (e.g. - Central Area Plan support for lower rise, "human scale" High Density Residential development);
 - other policies, programs and regulations generally encourage the preservation of the existing building stock and support the retention of a mix of different income groups.

PHASE 2 WORK PROGRAM

Analysis to be Conducted

- o Review of policies and regulations of other municipalities
- o Analysis of site-specific impacts of alternative forms of high density residential development, utilizing the building designs generated by the Consultant in assessing the costs to landowners and developers and zoning changes.
- o Survey of public attitudes towards high density residential development and its form.

Identification of Options for Action

- o The background report indicates City Land Use Policy generally addresses the need for more High Density Residential development in the Central Area, along with the design problems associated with that form of development. These policies, however, frequently are not implemented fully. A primary objective of Phase 2, therefore, is to identify ways in which the City could modify its policies, by-laws, and regulations to achieve the objectives of its Land Use Policies.

- o Below, areas of conflict between Land Use Policies and other policies, by-laws and regulations are identified, and options which could revise the extent of this conflict are outlined. Details of the Land Use Policies and zoning by-law are found in Section 4 and Appendix C of the Background Report. These options will be fully examined in Phase 2 of the report.

New High Density Residential Development

Planning policy supports new High Density Residential development in the Central Area. The Zoning By-law supports this objective by including an extensive amount of land within the High Density Residential Zones presently not used for high density housing, but which could be redeveloped. Two problems, however, are evident: (i) most of the land is found in the southern part of the Central Area; and (ii) most of the land is currently occupied. Development must be preceded by demolition and clearance.

OPTION:

- 1) Rezone additional areas for high density residential uses. Special attention should be focused upon currently vacant or underutilized land. A number of suitable sites in Central and Beasley Neighbourhoods may be identified.

Preservation of the Existing Building Stock

Planning Policy supports the preservation of the existing building stock through infilling, adaptive reuse, and building rehabilitation. The Zoning By-law generally discourages the first two of these in High Density Residential zones, while other programs and regulations generally encourage the third.

OPTIONS:

- 2) Modify the Zoning By-law to permit infilling behind or between existing structures. Reductions in minimum frontage would be required in situations where a laneway is the only part of an interior lot fronting onto a public roadway. Reductions in minimum lot size would be required to accommodate severed properties around the periphery of the lot.
- 3) Modify the Zoning By-law to permit additional commercial uses in the High Density Residential Zones, providing that they are pedestrian and community oriented. Older buildings, therefore, could be preserved through giving them a new function.
- 4) Increase the number and size of grants and loans under the Hamilton Rehabilitation Program, and encourage the utilization of the Assured Housing Program.
- 5) Give more publicity to the rehabilitation programs administered by the City.

Income Mix

Planning policy supports a mixture of families with different incomes in the Central Area. At present, the Rental Housing Protection Act, the Assured Housing Program and the Demolition Control Bylaw encourage this, but more could be done.

OPTIONS:

- 6) Offer developers density or other bonuses in exchange for turning over a portion of the units in a new development to a social housing agency. This could partially reverse the trend toward having new residential units only within the reach of upper income households.
- 7) Provide funding for new social housing projects.

Views

Planning policy supports the protection of views of the Escarpment. The Zoning By-law only supports this to a limited extent, through restricting building height close to the escarpment.

OPTIONS:

- 8) Establish view protection standards to be used as a criteria in assessing zoning applications; a basis for zoning changes; or as criteria in the Site Plan Control process.

Shadow Casting

Planning policy sees the minimization of the effect of shadows cast upon adjacent properties as an important planning objective. However, at present, neither the Zoning By-law nor any other by-law or regulation addresses the issue of shadow casting.

OPTIONS:

- 9) Develop shadow casting standards and have them incorporated into the Zoning By-law, or have such standards as the base for a separate by-law.
- 10) Develop shadow casting standards and have them incorporated into the Site Plan Control process.

Microclimate

Planning policy states that new development should take into account any impact upon the microclimate which would effect adjacent properties or the pedestrian environment. Special attention is centred upon wind effects. Currently, there are no provisions for implementing this.

OPTION:

- 11) Develop wind effect standards and incorporate them into a separate by-law, the Zoning By-laws or the Site Plan Control process.

Building Height

Planning policy supports a mixture of densities, particularly low-rise, high density development as an alternative to high rises. The Zoning By-law, however, encourages developers to build high-rise structures, if they are to achieve the maximum permitted densities.

OPTIONS:

- 12) Create new high density residential zones, to be applied to new areas of High Density Residential development. These zones would permit the same density as the existing E and E-3 zones, (either with or without the landscape bonus) but would have reduced permitted heights and greater permitted lot coverages in exchange for reduced landscape requirements and yard requirements.
- 13) Rezone areas currently zoned E and E-3 to the new zoning categories outlined in Option 8.
- 14) Retain the existing zoning, but offer developers reductions (on a site-by-site basis) in the landscape requirement or in yard requirements, in exchange for lower building heights. In effect, developers would be offered houses in exchange for building high-density low-rise developments instead of high-rises.

Compatibility in Form

Planning policy supports the principle that new developments should be compatible with surrounding development in terms of form. However, within the High Density Residential Zones, large multiple family high-rise structures are permitted adjacent to smaller-scale, low-rise residential development. Furthermore, there are no provisions for maintaining streetscapes through ensuring uniform setbacks, etc.

OPTIONS:

- 15) Make the nature of existing development a criterion in determining which areas should be rezoned for High Density Residential development (see Option 1), along with the nature of the rezoning (see Option 12).
- 16) Modify the zoning of lands currently zoned for High Density Residential development which encompass or are adjacent to existing low-rise development, to encourage compatibility. (e.g. - heights could be reduced while maintaining the same density - see Option 12 and 13).
- 17) Use the Site Plan Control process to encourage compatibility through considering features such as front yard setbacks and building spacing.

Human Scale

Planning policy encourages development which respects the human scale. However, neither the Zoning By-law nor the Site Plan Control process provide for this.

OPTIONS:

- 18) Offer the developer density or other bonuses for including design elements such as the following:
 - o setbacks above ground level, especially above 2 floors
 - o "expression lines" that divide up the facade vertically
 - o different parts of a structure set back different distances from the street
- 19) Consider the above in the Site Plan Control Process.

Green Space

Landscaped areas should be maintained around large residential buildings. The Zoning By-law encourages this, but does not regulate the quality of the landscaped area.

- 20) Consider the amount of green space in the immediate vicinity in any decision to rezone a piece of property in a way that reduces the amount of landscaped area available.
- 21) On sites where reduced building height is desirable, but where a reduction in the landscaped area is undesirable, permit a developer to have part of the landscaped requirement above ground level (on the roof or on a terrace in a building with a "stepped" design). Alternatively, part of the landscaped area could be situated under the building, although the quality of this space would have to be regulated carefully.
- 22) Consider the quality of landscaping for a new developments at the Site Plan Control Stage.
- 23) As part of the development agreement, turn responsibility for landscaping surrounding a new development over to the City.

Heritage Conservation

Planning policy supports the preservation of buildings and districts of historical and/or architectural merit. The Zoning By-law, however, generally discourages building preservation through restricting densities and uses. The Property Standards By-law does the same through making conversions difficult. Neither the Zoning By-law nor the Site Plan Control By-law provides for compatible development within heritage areas.

OPTIONS:

- 24) Modify the Zoning By-law to permit more commercial uses in the High Density Residential Zone (see Option 3), or modify the Zoning By-law on a site-specific basis to permit such uses. Compatibility with residential uses would be a key consideration.
- 25) Modify the Zoning By-law on a site-specific basis to permit higher densities on properties containing heritage buildings. Infilling, therefore, would be more possible, in exchange for the preservation of the heritage building.
- 26) Relax certain provisions of the Property Standards By-law (e.g. - ceiling heights) to permit the conversion of heritage structures.
- 27) Allow a developer greater densities on one site in exchange for preserving a heritage building on another.
- 28) Encourage further the designation of structures under the Heritage Act.
- 29) Employ the requirements of Site Plan Control to ensure that new development in heritage areas is compatible with existing development.
- 30) Encourage the establishment of additional heritage districts.

Traffic

Planning policy contends that uses which generate heavy traffic should be kept to the periphery of neighbourhoods. The current zoning generally does not reflect this.

OPTIONS:

- 31) In considering neighbourhood plan amendments and rezoning proposals that would permit high density residential development, proximity to the periphery of the neighbourhood will be one factor in the decision.

Parking

Planning policy argues that all the parking needed for a new development should be provided on-site. The Zoning Bylaw requirement for on-site parking spaces per multiple residential unit which applies to most of the Central Area may not be sufficient.

OPTIONS:

- 32) Increase to 1.0 the number of spaces required for each new multiple residential unit.
- 33) To increase the amount of greenspace, require that all new high density residential developments have all their parking underground or beneath the building.

City Development Initiatives

- o Phase 2 will consider the possibility of launching demonstration projects, either independently, with other levels of government, or with private developers. This would, in turn, stimulate additional innovative development.
- o Such projects would incorporate all or some of the concerns outlined above.

Policy Initiatives

- o Phase 2 will provide guidance for the establishment of designations and policies for high density residential development in the Durand Neighbourhood Plan, deferred under the current review.
- o The current land use policies also will be reviewed, to make them address more clearly the need for additional High Density Residential and the design problems associated with that form of development. Furthermore, it might be necessary to modify policies to permit some of the courses of action outlined above.

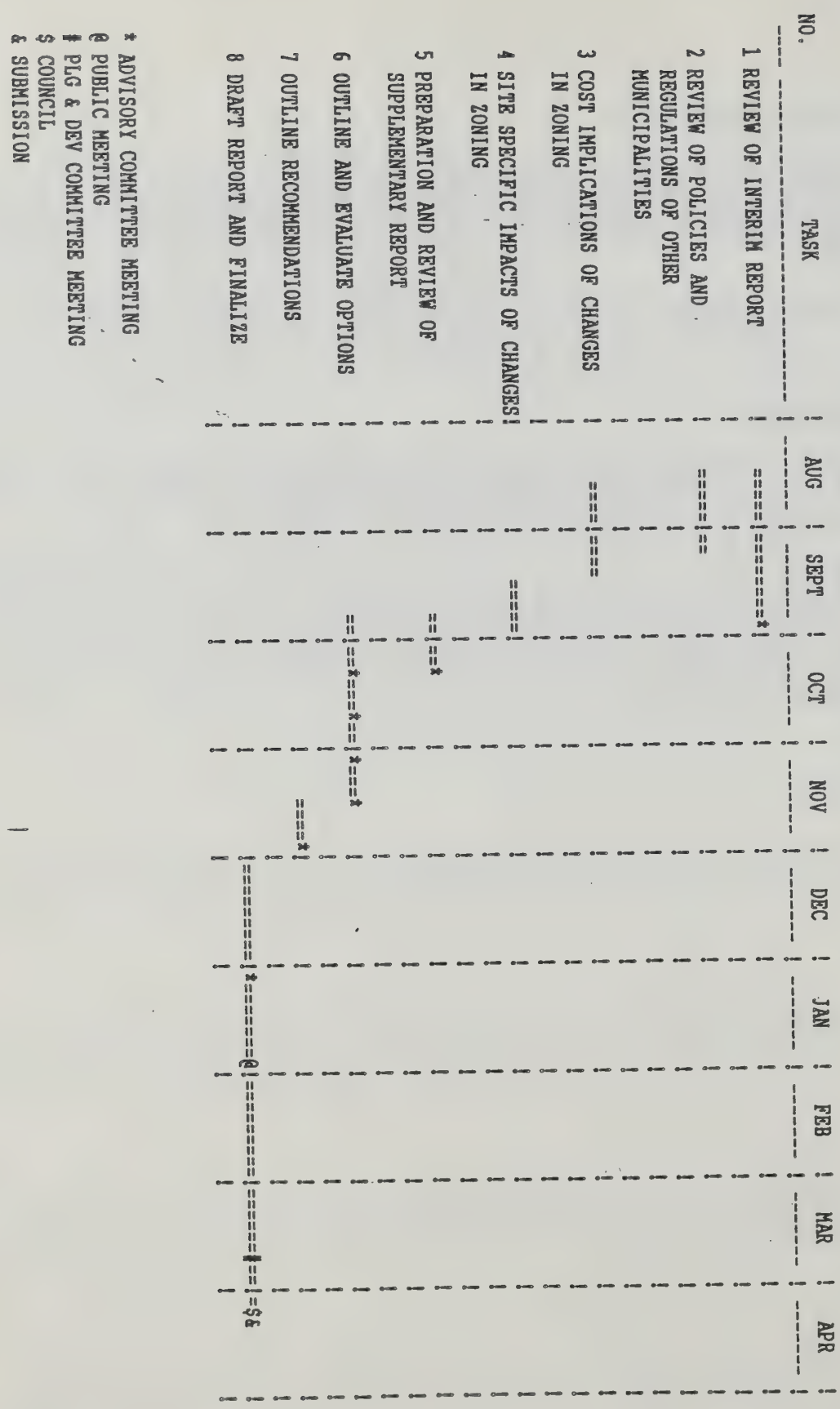
JD/dkp

WP 0617P

PHASE 2 HIGH DENSITY RESIDENTIAL DEVELOPMENT STUDY
TIME CHART

1987

1988





E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1987 September 24

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1987

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1987 September 30th
2:00 o'clock p.m.
Room 233, City Hall

GOVERNMENT DOCUMENTS
Susan K. Reeder

Susan K. Reeder
Acting Secretary

A G E N D A:

1. Minutes of the meeting held Wednesday, 1987 September 16th. (Copy to Follow)

PUBLIC MEETING - 2:00 o'clock p.m.

- A. Rental Housing Protection Act - Severance Application SE-87-002
- 62 Sheaffe Street
2. Building Commissioner
 - a) Demolition Permit Applications
 - i) 57 Fraser
 - ii) 28 Clapham Road
 - iii) 32 Clapham Road
 - iv) 40 Clapham Road
 - v) 1814 Main Street East
 3. Director of Community Development
 - a) Landsdale Neighbourhood Improvement Programme, 1985 and 1986 Audited Statements and Annual Report for St. Matthews House.
 - b) Kirkendall-Strathcona Neighbourhood Improvement Programme/Kirkendall-Strathcona Neighbourhood House (Wesley Urban Ministries); 1986 Annual Audited Statements
 - c) Barton General Business Improvement Area (B.I.A.); Board of Management
 - d) Designated Property Grant - 455 Bay Street North (Private and Confidential)

4. Director of Property

- a) Purchase by the City - 391 Sherman Avenue North - 573667 Ontario Ltd.
- b) Purchase by the City - 11 Gerrard Street - 573667 Ontario Ltd.
- c) Lot 38, Plan M-227 - Hamilton Industrial Park #1, Nebo Road - William Pickard and 441138 Ontario Ltd. and William Castle

5. LACAC

- a) St. Clair Heritage District - Registration on Title

PUBLIC MEETING

3:00 o'clock p.m.

- 6. Zoning Application ZA-87-67, Trustee Board of the Presbyterian Church in Canada, owner, for a change in zoning from "AA" to "R-4", for property municipally known as No. 763 Stone Church Road East; Randall Neighbourhood.
Public meeting - 3:00 p.m.
 - a) Letter of Submission - L. Gledhill
- 7. Zoning Application ZA-87-78, I. Mikulic, owner, for a modification to the "B" District regulations for property at No. 538 Mountain Brow Boulevard; Sherwood Neighbourhood.
Public meeting - 3:00 p.m.
- 8. Zoning Application ZA-87-82, G. and F. Seymour, owners, for a further modification to the "D" District regulations for property at Nos. 60-62 West Avenue South; Stinson Neighbourhood.
Public meeting - 3:00 p.m.
 - a) Letter of Submission - Paul L. Alfaro
- 9. Zoning Application ZA-87-87, M. Nguyen, owner, for a further modification to the "D" District regulations, for property at No. 137 Queen Street North; Strathcona Neighbourhood.
Public meeting - 3:15 p.m.
- 10. Subdivision Application SA-87-15 and Zoning Application ZA-87-73, V.P. DiBernado, owner, for a change in zoning from "AA" to "C" and "R-4" for lands municipally known as No. 1324 Upper Sherman Avenue; Rushdale Neighbourhood.
Public meeting - 3:15 p.m.

11. Adult Entertainment Parlours (File No. 4469)
Public meeting - 3:15 p.m.
NOTE: This will be a joint meeting of the Planning and Development Committee and the Legislation Committee
12. Zoning Application ZA-87-61, Ritlyn Investments Ltd., owner, for a further modification to the "D" District regulations for property at No. 234 Queen Street South; Kirkendall North Neighbourhood.
Public meeting - 3:30 p.m.
a) Letter of Submission - D. Seta
13. Subdivision Application SA-87-11 and Zoning Application ZA-87-51, Wellington Chase Inc., owner, for various changes in zoning for lands on the south side of Stone Church Road East and east of Upper Wellington Street; Barnstown Neighbourhood.
14. Site Plan Control Application Approvals (For Information)
15. Subdivision Application SA-87-16, 456941 Ontario Ltd., (Frank Silvestri), owner, for lands along Independence Drive and Templemead Drive; Templemead Neighbourhood.
16. Subdivision Application SA-87-17, F. Husack and DiCenzo Construction Co. Ltd., owners, for lands in the area north of Stone Church Road West and east of Amalfi Street; Gurnett Neighbourhood.
17. Proposed change of Land Use Designations in the Quinndale Neighbourhood - Request by Galwan Canada Limited (P5-4-7-15)
Public meeting - 4:00 p.m.
18. High Density Residential Development Study - Phase 2 (P5-4-7-15).
19. Inventory of Municipal and Regional Industrial Lands in Hamilton (P5-5-3-2).
20. Other Business
21. Adjournment

A.

F O R A C T I O N

FROM: Planning and Development Department

DATE: September 22, 1987

TO: Planning and Development Committee

REFER TO FILE NO: P5-4-2-15

Attention of: V. J. Abraham

SUBJECT

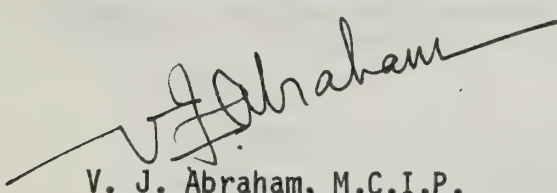
Rental Housing Protection Act - Severance Application SE-87-002 -
62 Sheaffe Street.

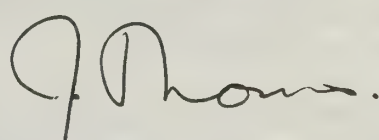
RECOMMENDATION

That the application for severance of 62 Sheaffe Street under the Rental Housing Protection Act be approved.

EXPLANATORY NOTE

The subject property involves a total of six affordable rental residential units. The applicant wishes to sever one unit at 62 Sheaffe Street and retain the remaining five units at 193 and 197 Bay Street North. The severance is not expected to adversely affect the supply of affordable rental housing, since only one unit would be removed from the provisions of the Act in an area of the City where rental vacancy rates are approximately 2%. The unit is intended to remain rental.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

The application is for severance of a property as follows:

- Lands to be severed: one rental residential unit
 - 62 Sheaffe Street
 - one single-family dwelling - one floor, four bedroom
 - presently rented for \$400 per month
 - estimated selling price \$65,000, after severance

- Lands to be retained: five rental residential units
 - 193 Bay Street North
 - three one-bedroom apartments, presently rented for \$250, \$175 and \$150 per month
 - 197 Bay Street North
 - one four-bedroom detached single-family home, presently rented for \$350 per month
 - a portion is subleased for \$120 per month (this is considered a separate unit under the Rental Housing Protection Act).

The following information was also obtained from the applicant's agent:

- the property at 62 Sheaffe Street has been sold, and is anticipated to remain rental. A new tenant has been occupying the unit since July, 1987;
- major renovations are not anticipated, other than general maintenance; and,
- with the proposed severance, there would be parking spaces available on the site for three cars, which would reduce on-street parking requirements by three spaces.

COMMENTS FROM CIRCULATION

The application for Consent to Sever under the Rental Housing Protection Act was received by the Clerk's Department on July 6, 1987. A copy of the application and a map of the property is attached as APPENDIX "1".

The application was circulated for comments to several departments and agencies. The Planning Department's comments and recommendations are contained in this report. The Building Department had no comments.

The Ministry of Housing provided comments on the application in the form of a letter dated July 22, 1987, a copy of which is attached as APPENDIX "2". The Ministry indicated that they would not support this type of application if it was being used as a means of removing properties from the controls of the Rental Housing Protection Act. These comments refer to the original application, which stated that there would only be four units in the retained portion on Bay Street, which would then be exempt from the regulations of the Act.

However, the applicant later stated that there were five units in the Bay Street portion, of which one was a subleased unit. The Ministry staff has stated that subleased units are considered the same as other rental units for the purposes of the Act. Since the five retained units on Bay Street would still be regulated by the Act, the Ministry would not be as concerned about the approval of the application.

REQUIREMENTS OF THE RENTAL HOUSING PROTECTION ACT

The proposed severance is subject to the requirements of the Rental Housing Protection Act, since:

- it consists of a related group of buildings on one property, containing a total of six (6) rental units;
- the rents involved are in the affordable range, from \$120 and \$150 for the units on Bay Street to \$400 per month for the property at 62 Sheaffe Street.

Approval of the application would result in the unit at 62 Sheaffe Street being removed from the provisions of the Rental Housing Protection Act. The remaining five units on Bay Street would still be subject to the Act.

The central issue in this application is whether the severance and potential loss of the rental unit at 62 Sheaffe Street would adversely affect the supply of affordable rental housing.

The requirements of the Rental Housing Protection Act for severance applications states that one of the two following criteria must be met:

Criterion #1

The applicant may be requested to take measures to minimize the impacts of the proposal.

Regulations

Under this criterion, the applicant must agree to provide:

- a) similar accommodation for existing tenants; and,
- b) similar replacement units to match any units being lost to the rental market.

Suitability of the Application

- a) A new tenant has already moved into the unit as of July, 1987, following the conditional Land Division Committee's approval and sale of the property. It is not known whether the previous tenant was asked to vacate the property.
- b) The applicant has stated that the unit will remain available for rental purposes. However, there is no way of enforcing this promise if the application is approved unconditionally.

Therefore, in the case of this application, there has been no impact on the rental housing supply in the short term. The potential exists for the loss of one rental unit in the future. Approval of the severance could be made conditional upon the unit remaining available for rental, if the loss of this unit is considered significant.

Criterion #2

Council may determine that the proposal will not adversely affect the supply of affordable rental housing in the municipality as a whole, or in the vicinity of the property.

Regulations

Under this criterion, Council may decide that an application would not significantly reduce the rental supply. This evaluation may be based on one or more of various measures which are described in general terms in the Act, such as:

- if the application would not result in excessively low vacancy rates for the City, or for the relevant submarket or area of the City.
- if the approval would not result in the elimination of rental units which have rents below the average charged within the City or relevant submarket or area of the City.
- if the application would not eliminate units which are affordable in terms of the portion of the tenant's total income which would be required to cover the rent (e.g., 25% or less).

Suitability of the Application

The application may be evaluated in terms of vacancy rates and rents for units in the City and the Central Zone of the City. Information relating to these measures is attached as APPENDIX "3". This information indicates that the vacancy rate for properties in Hamilton is currently quite low, at 0.3%. In the Central Zone, small apartment properties with between three and five units have a vacancy rate of 2.3%. Vacancy rates for six-unit apartment properties would likely be similar to those for properties with three to five apartments. Vacancy rates of over 2% are considered acceptable, since displaced tenants would likely be able to find accommodation within a reasonable length of time.

The existing rent charged of \$400 for 62 Sheaffe Street would be clearly in the affordable range for four-bedroom units in the area, since three-bedroom units in the Central Zone are rented for an average of \$463. The severance of this property would have the potential of reducing by one unit the supply of 3,594 rental units in the Central Zone, where the vacancy rate for small apartments is 2.3%.

Therefore, the application would result in the potential loss of one affordable unit. This loss would not significantly reduce the supply of affordable rental units in the Central Area of Hamilton where local vacancy rates for small apartment properties are in the acceptable range of over 2%.

CONCLUSIONS

It is recommended that the application for severance of the property at 62 Sheaffe Street be approved, for the following reasons:

- The application would result in the potential loss of only one affordable unit from the controls of the Rental Housing Protection Act. The unit has recently been rented to a new tenant, and the applicant has stated that it will remain rental.
- The vacancy rate for small apartment properties in the Central Zone is 2.3%, in the acceptable range of over 2%, so that displaced tenants would likely be able to find similar accommodation if the rental unit was eliminated.

Council may wish to consider imposing conditions to help ensure that the unit remains available for affordable rental accommodation.

VG:CS
Attach.

c.c. - Mr. Ian Cooper
Ministry of Housing

MEMORANDUM • CITY OF HAMILTON

APPENDIX "1"

TO : Mr. Victor Abraham
Director of Local Planning

FROM : John Thompson, Secretary
Planning and Development Committee

SUBJECT : Severance Application under The
Rental Housing Protection Act -
SE 87-002, 62 Sheaffe Street

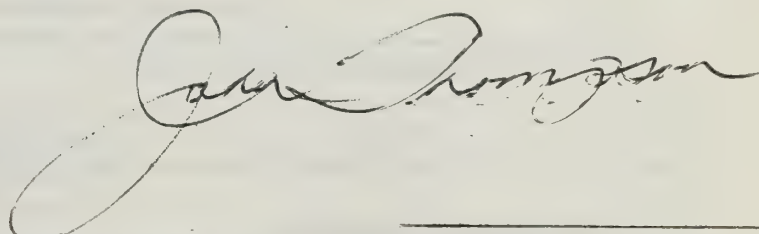
YOUR FILE:

OUR FILE :

DATE : 1987 July 10

The attached Consent to Sever Application has been received for Municipal approval to permit the severance of the property located at 62 Sheaffe Street.

I request that you consider the proposal and inform me by July 24, 1987 of your recommendations, either to approve or refuse with reasons.



JT:mc

Attach.

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		JUL 10 1987		
TO	STAFF	INIT.	INFO.	ACT.
VA	DIR.			
	PLA			
1	NE GH	DG	D3	✓
	DE /			
	E. & U.			
2	STAFF	VA	veg	✓
	CART.			
	ADMIN.			

Application Under Subsection 4(1) of
The Rental Housing Protection Act, 1986

Local Municipality

HAMILTON

Municipal File No.

SE-87-002

A APPLICANT INFORMATION

List name, address and telephone number of:

(1) Registered owner of property	94/20 GLENVALE D HAMILTON	388-8583
ALVA JOYCE WHEATLE		
(2) Owner's solicitor	14 HESS STREET SOUTH HAMILTON	523-1442
HARVEY JAMES KATZ		
(3) Owner's agent	11/25 GARROW DR HAMILTON	388-2683 383-2133
NEVILLE C. LEWIS		
(4) Owner's planning consultant		
(5) Ontario Land Surveyor		
ED BARICH	549-6642	

B PROPERTY LOCATION

(Attach copy of sketch plan illustrating proposed severance)

Address	
62 SHEAFFE ST HAMILTON	
Municipality	
HAMILTON WENTWORTH.	
Lot No.	Concession No.
P.T. LT 6 BLK 29	2
Registered Plan No.	Lot No(s).
127	P.T. LT. 2 BLK 2
Date of Registration	File No. of Approval Authority (if available)
15 th DEC, 1986	
Reference Plan. No.	Part No(s).
62	NO 16
Date of Deposit	
16 th Dec, 1986	

☐

Conveyance

☐

Other (specify - e.g. mortgage, lease)

D PROPOSED GRANTEE

(1) Name of person(s) (purchaser, lessee, mortgagee) to whom property or interest in property is intended to be conveyed, leased or mortgaged _____

(2) Relationship to owner _____

E PROPERTY TO BE RETAINED

(1) Frontage _____ Depth _____ Area _____

(2) Existing density (units per hectare) _____
Proposed density (units per hectare) _____

(3) Existing services on retained property:

a. Water Supply

Piped water

☒

Individual wells

☐

Other (describe)

☐

b. Sewage Treatment

Sewers

☒

Septic tanks and tile beds

☐

Presewer

☐

Other (describe)

☐

c. Storm Drainage

Sewers

☒

Open ditches

☐

Other (describe)

☐

d. Describe other servicing problems and proposed solutions:

e. Describe proposed services, if different from above _____

(4) Describe existing and proposed buildings and structures on retained property

Building No./Name	Existing or Proposed Building*	Use (Residential Commercial, etc.)	No. of Storeys	No. and Type of Units**
193 Bay H 147 Bay H	EXISTING	RESIDENTIAL	3 STOREY 4 1 STOREY	3-1 BEDRM APTS 1 SINGLE YOUNG Residential Detached

* If an existing building, state date that construction was completed

** Please use the following definitions for residential buildings:

Single family residential - a single family detached dwelling unit

Double or semi-detached - a residential building containing two dwelling units

Row/Town housing - a residential building containing three or more dwelling units with individual direct access to the street

Apartment - a building containing three or more dwelling units each with access to the street via a common corridor

(3) Occupancy of existing building(s) on retained property:

No. of units 3 APTS + 1 SINGLE FAMILY
No. of occupied rental residential units 4
Identify each occupied unit affected: 143 BAY N - APT 1 APT 2 & APT 3 197 BAY N - 1 DETACHED SINGLE FAMILY HOUSE
No. of vacant rental residential units NONE
Identify each vacant unit affected and date vacated: NO

(6) Describe (or indicate on plan):

- a. Proposed internal roadways _____
- b. Proposed parking _____
- c. Proposed landscaping _____
- d. Proposed recreational amenities _____

(7) Property Access

Is there direct access from the retained property to a publicly maintained road?

Yes ☒ No ☐

If no, describe other access to property:

If a lakefront development is proposed to retained property, without road access, describe:

	Existing	Proposed
Docking facilities	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

	Existing	Proposed
Parking facilities	# NONE	4
Distance from property	8 ft	8 ft
Distance to nearest provincial highway		

F PROPERTY TO BE SEVERED

- (1) Frontage 38 Depth 61 Area _____
- (2) Number of new lots proposed NONE
- (3) Existing density (units per hectare) _____
Proposed density (units per hectare) _____
- (4) Existing services on property to be severed:

a. Water Supply

Piped water

☒

Individual wells

☐

Other (describe)

☐

b. Sewage Treatment

Sewers

☒

Septic tanks and tile beds

☐

Presewer

☐

Other (describe)

☐

c. Storm Drainage

Sewers

☒

Open ditches

☐

Other (describe)

☐

d. Describe other servicing problems and proposed solutions:

e. Describe proposed services, if different from above

- (5) Describe existing and proposed buildings and structures on property to be severed

Building No./Name	Existing or Proposed Building*	Use	No. of Storeys	No., Type, and Gross Floor Area of Each Unit**
62 Sheaffe St	EXISTING	Residential	1 Single Family Dwelling	

* If an existing building, state date that construction was completed

** Please use the definitions for residential buildings listed on page 3

- (6) Occupancy of existing building(s) on property to be severed:

No. of units	/
No. of occupied rental residential units	One
Identify each occupied unit affected:	/
No. of vacant rental residential units	/
Identify each vacant unit affected and date vacated:	/
How many units do existing tenants wish to purchase?	_____

- (7) Existing rents.
List range by unit type (bachelor, one bedroom, etc.)

Unit Type	Range of Rents
	\$ 1 Floor 4 Bedroom Single Family House \$400.00 Per Mo.

- (8) Estimated selling prices (after severance)

Unit Type	Estimated Price
	\$65,000.

- (9) Describe (or indicate on plan):

- a. Proposed internal roadways _____

- b. Proposed parking ONE parking

- c. Proposed landscaping existing

- d. Proposed recreational amenities existing

- (10) Describe Government sponsored financing for property:

Proposed financing _____

Approved financing _____

(11) **Property Access**

Is there direct access from the property to be severed to a publicly maintained road?

Yes ✓ No

If no, describe other access to property:

If a lakefront development is proposed, without road access, describe:

Docking facilities

Existing

Proposed

Parking facilities

Distance
from propertyDistance
to nearest
provincial highway

G SITE APPRAISAL AND EVALUATION

- (1) Give a brief description of the existing land use, vegetation, topography, drainage on the site.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- (2) Describe the effects of the proposal on the surrounding area (e.g. traffic, noise, odours, water pollution, etc.) and proposed measures to deal with them.

Existing House with use

- (3) Describe the effects of the surrounding area (e.g. railways, highways, noise, etc.) on the property to be severed and the proposed measures to deal with them.

Off Street Parking

II PLANNING INFORMATION FOR SITE

- (1) What is the land use designation of the subject property in an approved regional or county official plan or amendment?

Amendment No. _____

- (2) What is the land use designation of the subject property in an approved local official plan or amendment?

Amendment No. _____

- (3) What is the zoning of the subject property in an approved zoning by-law or zoning order?

Residential

- (4) Has a site plan been submitted to the municipality for review?

- (5) Has a building permit been issued?

N/A

I PREVIOUS SEVERANCES

- 1) Is application a resubmission of an earlier proposed severance?

Yes _____

No ✓

Indicate previous file number _____

- 2) Has the owner previously severed any land from this property or in the vicinity of this property?

Yes _____

No ✓

- 3) If yes, please indicate previous severances on the sketch plan and supply the following information for each parcel severed:

Grantee's name _____

Relationship to owner _____

Use of parcel _____

Date parcel created _____

Grantee's name _____

Relationship to owner _____

Use of parcel _____

Date parcel created _____

Grantee's name _____

Relationship to owner _____

Use of parcel _____

Date parcel created _____

J OTHER APPLICATIONS RELATED TO PROPOSAL

- (1) Has the parcel intended to be severed ever been, or is it now, the subject of an application for a plan of subdivision under Section 50 of the Planning Act, 1983 or its predecessors?

Yes _____

No ✓

- (2) Are there applications for additional consents on this property?

Yes _____

No ✓

- (3) Is the owner considering applying for additional consents on this property in the future?

Yes _____

No ✓

- (4) Is the owner applying for any minor variance or permission to extend or enlarge under Section 44 of the Planning Act, 1983 in relation to any property that is the subject of this application?

Yes _____

No _____

X AFFIDAVIT

I, Alva Joyce Wheatle, the Registered owner
(registered owner, etc.)
of the City of Hamilton
in the County of _____/District/Regional
Municipality of Hamilton Wentworth,
hereby certify that all of the statements contained in this appli-
cation are true, and have attached a list of the names and current
addresses of all tenants in the subject rental residential property.

<u>Alva Joyce Wheatle</u>	<u>Owner</u>	<u>A.J. Wheatle</u>	<u>23rd March 87.</u>
Name of Owner or Authorized Officer	Position/Title	Signature	Date

*application received in City Clerk's
Department July 6, 1987
Ear Thompson, Secretary
Planning & Development Committee*

Corporate Seal

Rental Vacancy Rates and Rents
Information Related to 62 Sheaffe Street

1. Rental Vacancy Rates

a) All Units

- City of Hamilton 0.3% vacant for April, 1987 (down from 0.6% in October, 1986)

b) Properties with Six or More Units

- City of Hamilton 0.3% vacant (105 of 32,612 units)
- Central Hamilton (Zone 4) 1.3% vacant (36 of 2,777 units)

c) Properties with Three to Five Units

- City of Hamilton 1.7% vacant (36 of 2,150 units)
- Central Hamilton (Zone 4) 2.3% vacant (19 of 817 units)

2. Average Rents

a) One Bedroom Units

- City of Hamilton \$360
- Central Hamilton (Zone 4) \$335

b) Three Bedroom Units

- City of Hamilton \$528
- Central Hamilton (Zone 4) \$463

c) Four Bedroom Units - Figures not available

Source: The above information on vacancy rates and rents is taken from the C.M.H.C. Rental Market Survey for April, 1987.

2a.
(1)-(4)

FOR ACTION

FROM P. Kuppe, Building Dept. DATE September 23, 1987

TO J. Thompson Refer to File No. _____

Attention Of _____

Your File No. _____

SUBJECT

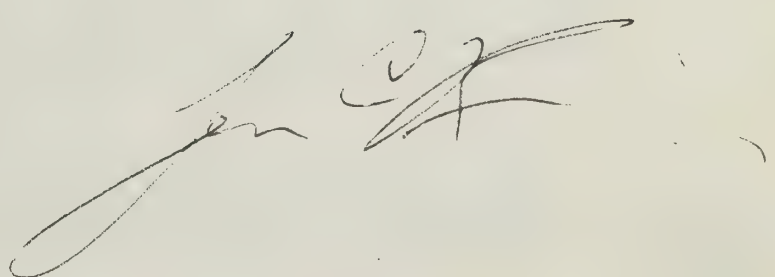
Demolition

RECOMMENDATION

The Building Commissioner be authorized to issue demolition permits for the demolition of the following residential buildings.

BACKGROUND

1. 57 Fraser
2. 28 Clapham Rd.
3. 32 Clapham Rd.
4. 40 Clapham Rd.
5. 1814 Main St. East

A large, stylized handwritten signature in dark ink, appearing to be 'John' followed by a flourish.

(1352D)

BUILDING DEPARTMENT

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF

LAND IS PERMITTED BY PRESENT ZONING

DATE: September 23, 1987

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	ZONE	RECOMMENDATION
1.	57 Fraser	S.F.D.	Addition to neighbouring building (commercial)	25' x 30'	H	It is recommended that the Committee approve demolition.
2.	28 Clapham Rd.	S.F.D.	Apt. building	50' x 110'	DE-2/ S-48a	" " "
3.	32 Calpham Rd.	S.F.D.	" "	50' x 110'	" "	" " "
4.	40 Clapham Rd.	S.F.D.	" "	40' x 201.58	" "	" " "
5.	1814 Main St. E.	S.F.D.	Additional Parking for store	45' x 100'	H	" " "


 PETER C. LAMPMAN, P. ENG.,
 DIRECTOR OF PLAN EXAMINATION

FOR ACTION

3a.

FROM Mr. E. W. Kowalski, Director,
Community Development Department

DATE 1987 September 09

TO Planning and Development Committee

Refer To File No. 800-0223.4

Attention Of _____

Your File No. _____

SUBJECT

Landsdale Neighbourhood Improvement Programme; 1985 & 1986
Audited Statements and Annual Report for St. Matthew's House.

RECOMMENDATION

That the attached audited financial statements and annual reports
for 1985 and 1986 for St. Matthew's House be adopted.

E. Kowalski

BACKGROUND

On 1980, October 20 an Agreement was signed by the Synod of the
Diocese of Niagara with the Corporation of the City of Hamilton
setting out the terms and conditions of the mortgage of \$240,911.00
granted for the renovation of St. Matthew's House.

The Agreement stipulates that a per diem rate is earned by the
mortgagor until 1989 so long as the other terms and conditions
are met. These conditions include the submission of an annual
report and audited financial statements to the City of Hamilton.

Landsdale

ST. MATTHEW'S HOUSE

414 Barton Street East • Hamilton, Ontario L8L 2Y3
Telephone 523-5546

MARGARET NIKOLAUS
Chairman, Board of Directors

THE REV. CANON J. H. ROGERS
Executive Director

1987 08 73

Mr. E.W. Kowalski
Director
Department of Community Development
Corporation of the City of Hamilton
P.O. Box 2040
Hamilton
L8P 1H4

Aug. 18/87
800-9223.4
822/22

87/8/18

Dear Mr. Kowalski:

Re: St. Matthew's House Neighbourhood Improvement
Program - Agreement

In accordance with the agreement pertaining to the improvements to St. Matthew's House, I am enclosing copies of the following for your information:

1985 and 1986	-	Audited Statement
1985 and 1986	-	Annual Report

There has been no deletions to the services and programs during 1985 - 1986. In addition, a Housing and a Senior Citizens Worker have been employed at St. Matthew's House over this period of time.

Yours sincerely,

J.H. Rogers

(the Rev. Canon) J.H. Rogers
Executive Director

JHR/sd

encl:



**St. Matthew's House
Board of Directors - 1986**

Mr. A. Page, *Chairman*

Mrs. N. Nikolaus, *Vice-Chairman*

Mr. C. E. H. Lowell, *Past Chairman*

Mr. Bertram H. Leggat, *Q.C.*

Mr. J. Davis

Mr. A. Duerksen

Mrs. Helen Gunn

Miss Kathy Farley

Mr. J. McAleese

The Most Rev. J. C. Bothwell

Mr. R. McMenemy

Mr. R. G. Smith

Mr. Wm. Cook

The Rev. Canon J. H. Rogers,
*Executive Director and
Secretary of the Board*

Mrs. S. Dias,
Honorary Secretary of the Board

**Annual Report
1986**

ST. MATTHEW'S HOUSE
414 Barton Street East
Hamilton, Ontario



Annual Meeting — May 6, 1987

St. Matthew's House Statistics:

The numbers coming to St. Matthew's House for assistance continued to increase during 1986. The statistics for the year are as follows:

Day Care	11,097
Half Day Nursery (enrolled days of care)	3,371
<u>Social Services</u>	
Practical Assistance	12,731
Counselling and Information	972
Home Visits	1,624
Legal Aid	293
Advocacy	197
Income Tax	115
Housing	277
Referral	221
The number attending self-help groups	7,318

Chairman and Executive Director's Report

The year 1986 was a very busy one for the staff and volunteers of St. Matthew's House. The Centre served 1,000 more clients than the previous year's record. During the year additional services were made available to low and limited income families through funds provided by the Ministry of Community and Social Services. These programmes include a full time Housing Worker for the Housing Project, a Youth Worker and a Senior Citizen Support Worker. The Housing Worker provides ongoing support and life skills instruction to the tenants in the St. Matthew's House/Hamilton East Kiwanis Non-Profit Homes, Inc. Housing Project. The Youth Worker continues to supply services to youth between the ages of 15 and 25 years of age who are registered clients of St. Matthew's House. The Senior Citizen

Support Worker assists poverty-stricken seniors in a manner appropriate to their circumstance in areas such as advocacy, budgeting, counselling, friendly visits and information.

During the past year St. Matthew's House received financial and other support from many individuals, organizations, foundations, groups, societies, schools and Churches. In addition, funding was received from the Diocese of Niagara, the United Way, the Regional Municipality of Hamilton-Wentworth and the Ministry of Community and Social Services. To each we extend our thanks.

To our many volunteers who assisted St. Matthew's House in such areas as Day Care, doing Receptionist's duties, with self help groups and with special events, we extend our thanks. In addition we gratefully recognize the work of other volunteers who help us by "doing things" at home and in their parishes.

In closing, once again we draw to the attention of everyone the growing problem of poverty in our communities and urge you to support measures such as the guaranteed Annual Income, increased low rental housing for singles and families and such other measures that would help in relieving the plight of the poor.

Arthur A. Page

Chairman, Board of Directors

The Rev. Canon J. H. Rogers

Executive Director

St. Matthew's House maintains a commitment to:

- The Community
- The Family
- The Individual

St. Matthew's House Services

The following services are provided by the Centre:

- *Practical Assistance* — food for those who have exhausted their resources
- *Day Care Service and Half Day Nursery Program* — for families with special needs
- *Self-help Groups* — for women, men, children, youth and seniors
- *Visiting* — to homes, hospital, jail, nursing and group homes
- *Social Action* — advocacy and legal aid
- *Youth Services* — services to unemployed youth 15 - 25 years
- *Housing* — assistance in locating suitable housing
- *Teacher Resource Program (Early Childhood Integration Support Services)* — eighteen resource teachers work in Day Cares in Hamilton-Wentworth Region and Brant County. This program is intended to assist identified Centres and their Staff in meeting the special needs of children and their parents
- *Home Support for the Elderly* — this service provides a much needed ongoing support to poverty stricken seniors by providing in-home support for those who have lost contact with family and community
- *St. Matthew's House/Hamilton East Kiwanis Non-Profit Homes, Inc. Apartments* — twelve apartments for families on low income and in need of a life skills program.

St. Matthew's House

Board of Directors - 1985

Mr. A. Page, *Chairman*

**Mr. J. McLelland, Q.C., *Chairman*

Mrs. M. Nickolaus, *Vice-Chairman*

Mr. C. E. H. Lowell, *Past Chairman*

Mr. Bertram H. Leggat, Q.C.

Mr. J. Davis

Mrs. Helen Gunn

Miss Kathy Farley

*Mr. P. Lazier

Mr. J. McAleese

The Most Rev. J. C. Bothwell

Mr. R. McMenemy

Mr. R. G. Smith

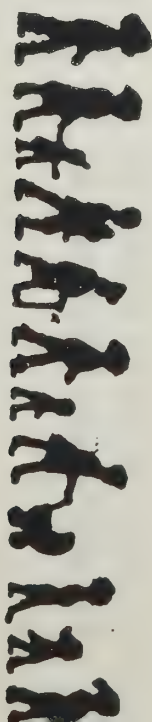
Mr. Wm. Cook

The Rev. Canon J. H. Rogers,
*Executive Director and
Secretary of the Board*

Mrs. S. Dias,
Honorary Secretary of the Board

Annual Report 1985

ST. MATTHEW'S HOUSE
414 Barton Street East
Hamilton, Ontario



Annual Meeting — April 23, 1986

*Resigned during the year
**Deceased

St. Matthew's House Statistics:

The year 1985 was a record one for St. Matthew's House in regard to the numbers of individuals and families coming for help. Statistics for the year are as follows:

<u>Day Care</u>	11,195
(enrolled days of care)	
<u>Social Services:</u>	
Practical Assistance	11,748
Counselling	510
Home Visits	2,330
Legal Aid	161
Advocacy	221
Income Tax	143
Housing	283
Information & Referral	451
The number attending self-help groups	6,118

Chairman and Executive Directors's Report

Over the past year, St. Matthew's House continued to serve those in the Hamilton-Wentworth area who are on low income, government assistance, or without any means of support. During this time, the Centre concentrated on services to Youth, self-help groups, home visits and volunteers.

Over 1,900 Youth were assisted in 1985 with food, help with resumes, housing and recreation. In addition, a conference designed to

bring the problems of Youth to the attention of the community was held. The conference was sponsored by St. Matthew's House and TV Ontario, Anglicans in Mission and the Ministry of Community and Social Services provided funding for two Youth Workers.

The self help groups provided opportunities for the users of St. Matthew's House services to build survival skills and gave group members occasions to enjoy fellowship, establish friendships and take part in recreational activities. Groups were held for women, men, children and youth. The numbers using this service almost doubled from the previous year.

The number of home visits increased by more than 100%. The home visit is planned to give clients and staff a chance to explore ways that the agency might be of assistance. It is also an occasion designed to build a rapport and to explain what groups and services might be of help to other family members. In addition, visits were made to clients in hospitals, jail and group homes.

The year 1985 was one of growing support from persons offering to do volunteer work. Volunteers assisted in such areas as Day Care, home visits, receptionists, children's groups, public relations, men's group, and with special Christmas events. Other volunteers continued to help us by "doing things" for the Centre at home or in their parish churches. To all these generous people we offer our thanks, and to our volunteer Board Members we offer our gratitude for their time and guidance during 1985.

Throughout the year, St. Matthew's House received financial, and other support from many individuals, organizations, groups, societies, schools and churches. Our regular funders, such as the Diocese of Niagara, United Way, The Regional Municipality of Hamilton-Wentworth and other government sources, continued to support the agency. To all, we extend our thanks for their support and confidence in the work of the "House".

In closing, we once again draw to the attention of all, the serious problems that those who come to St. Matthew's House and millions of other Canadians face, that is, the lack of affordable housing, hunger and unemployment. It is our hope that all our supporters will continue to advocate for changes that will in time eradicate these injustices.

The Rev. Canon J. H. Rogers
Executive Director

Arthur A. Page
Chairman, Board of Directors

St. Matthew's House Services

The following services are provided by the Centre:

- *Practical Assistance* — food for those who have exhausted their resources.
- *Day Care* — for families with special needs.
- *Self-help Groups* — for women, men, children, youth, and seniors.
- *Visiting* — to homes, hospital, jail, nursing and group homes.
- *Social Action* — advocacy and legal aid.
- *Youth Services* — services to unemployed youth 15 - 25 years.
- *Housing* — assistance in locating suitable housing.

St. Matthew's House maintains a commitment to:

- The Community
- The Family and
- The Individual

ANDREW P. SHERWOOD

CHARTERED ACCOUNTANT

TELEPHONE 549.4129

918 MAIN ST. EAST
HAMILTON, ONT L8M 1M5

ST. MATTHEW'S HOUSE

FINANCIAL STATEMENTS

AS AT DECEMBER 31, 1985

ANDREW P. SHERWOOD

CHARTERED ACCOUNTANT

TELEPHONE 549-4129

918 MAIN ST. EAST
HAMILTON, ONT. L8M 1M5

April 14, 1986

AUDITOR'S REPORT

To The Board of Directors of St. Matthew's House:

I have examined the balance sheet of St. Matthew's House as at December 31, 1985 and the statements of operations and accumulated fund for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the company as at December 31, 1985 and the results of its operations for the year then ended in accordance with generally accepted accounting principles.

ANDREW P. SHERWOOD

Andrew P. Sherwood

Chartered Accountant

BALANCE SHEET

	1985	1984
<u>CURRENT ASSETS</u>		
Cash	100	100
Bank - General	18,796	42,968
- Term Deposits	16,000	2,000
Regional Social Services Receivable	16,149	14,422
Accrued interest - term deposits	470	-
	<u>51,515</u>	<u>59,490</u>

Funds held by Diocese of Niagara	205,007	179,318
	<u>256,522</u>	<u>238,808</u>

Van - at cost		16,952	16,952
Land and building - 412 Barton St. E.	61,979		
Less monies contributed to purchase	<u>45,634</u>		
		<u>16,345</u>	<u>20,768</u>
		<u>33,297</u>	<u>37,720</u>
		<u>289,819</u>	<u>276,528</u>

Camp fund - J. McLelland Fund	13,911	-
Accounts payable	1,000	1,000
Employees' payroll deductions payable	<u>4,717</u>	<u>4,477</u>
	19,628	5,477

BALANCE - Beginning of year	261,599	247,817
Current year excess of receipts over expenses	<u>8,592</u>	<u>13,782</u>
BALANCE - End of year	<u>270,191</u>	<u>261,599</u>
	<u>289,819</u>	<u>276,528</u>

Andrew P. Sherwood
Chartered Accountant

ST. MATTHEW'S HOUSE

DETAILED STATEMENT OF OPERATIONS

FOR THE YEAR ENDED DECEMBER 31, 1985

<u>Receipts</u>	<u>Social Services</u>	<u>Day Care Centre</u>	<u>Total</u>
Diocese of Niagara - grant	35,000		35,000
- interest	25,472		25,472
Donations - general	66,432		66,432
United Way - grant	44,500		44,500
Office rent and memberships	169		169
Grant from region	10,350		10,350
Interest - Bank and term deposits	1,255	1,255	2,510
Fees - Parents		5,042	5,042
Regional social services	8,536	192,449	200,985
Anglican's in Mission - Youth Workers	13,786		13,786
Ministry of Municipal Affairs and Housing	625	581	1,206
Edith Turner Foundation	10,000		10,000
Martin Foundation	1,000		1,000
Hamilton Foundation	900		900
Rental Income - Apts.	2,450		2,450
Donations - equipment	10,208		10,208
	<u>230,683</u>	<u>199,327</u>	<u>430,010</u>
<u>EXPENSES</u>			
Salaries	134,091	142,666	276,757
Casual labour	735	2,581	3,316
Employees' benefits	15,446	14,258	29,704
Janitorial supplies	715	714	1,429
Repairs and maintenance	5,394	5,393	10,787
Utilities	11,012	6,897	17,909
Office expense	3,342	1,432	4,774
Transportation	443	222	665
Conference	438	877	1,315
Groceries - Clients Assistance	34,591	19,466	54,057
Consumable supplies	-	2,512	2,512
School bus expense	3,435	3,075	6,510
Equipment purchases	2,966	2,633	5,599
Miscellaneous expense	-	20	20
Audit	500	500	1,000
Insurance and worker's compensation	670	905	1,575
Publicity	186	-	186
Bank charges	136	136	272
Programs	2,492	-	2,492
Field trips	-	539	539
	<u>216,592</u>	<u>204,826</u>	<u>421,418</u>
<u>NET RECEIPTS OVER EXPENSES FOR THE YEAR</u>	<u>14,091</u>	<u>(5,499)</u>	<u>8,592</u>

ANDREW P. SHERWOOD

CHARTERED ACCOUNTANT

TELEPHONE 549.4129

918 MAIN ST EAST
HAMILTON, ONT L8M 1M5

ST. MATTHEW'S HOUSE

FINANCIAL STATEMENTS

AS AT DECEMBER 31, 1986

ANDREW P. SHERWOOD
CHARTERED ACCOUNTANT

TELEPHONE 549 4129

918 MAIN ST. EAST
HAMILTON ONT L8M 1M5

April 30, 1987

AUDITOR'S REPORT

To The Board of Directors of St. Matthew's House:

I have examined the balance sheet of St. Matthew's House as at December 31, 1986 and the statements of operations and accumulated fund for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the company as at December 31, 1986 and the results of its operations for the year then ended in accordance with generally accepted accounting principles.

ANDREW P. SHERWOOD

Andrew P. Sherwood

Chartered Accountant

ST. MATTHEW'S HOUSE

BALANCE SHEET

AS AT DECEMBER 31, 1986

	<u>ASSETS</u>	<u>1986</u>	<u>1985</u>
<u>CURRENT ASSETS</u>			
Cash		100	100
Bank - General		31,225	18,796
- Term deposits		5,000	16,000
Regional Social Services Receivable		28,911	16,149
Accrued interest - term deposits		340	470
		<u>65,576</u>	<u>51,515</u>

INVESTMENTS

Funds held by Diocese of Niagara	<u>198,802</u>	<u>205,007</u>
	<u>264,378</u>	<u>256,522</u>

FIXED ASSETS

Vans - at cost	37,197	16,952
- less monies contributed to purchase	<u>10,716</u>	-
	26,481	<u>16,952</u>
Land and building - at cost	61,979	61,979
- less monies contributed to purchase	<u>49,050</u>	<u>45,634</u>
	12,929	<u>16,345</u>
	<u>39,410</u>	<u>33,297</u>
	<u>303,788</u>	<u>289,819</u>

LIABILITIES AND EQUITY

CURRENT LIABILITIES

Camp Fund - J. McLelland Fund	16,627	13,911
Accounts payable	1,000	1,000
Employees' payroll deductions payable	<u>7,454</u>	<u>4,717</u>
	<u>25,081</u>	<u>19,628</u>

ACCUMULATED FUND

Balance - Beginning of year	270,191	261,599
Add: Current year excess of receipts over expenses	<u>8,516</u>	<u>8,592</u>
Balance - End of year	<u>278,707</u>	<u>270,191</u>
	<u>303,788</u>	<u>289,819</u>

APPROVED ON BEHALF OF THE BOARD

ST. MATTHEW'S HOUSE

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED DECEMBER 31, 1986

<u>Receipts</u>	<u>Social Services</u>	<u>Day Care Centre</u>	<u>1/2 Day Program</u>	<u>Total</u>
Diocese of Niagara - grant	41,000			41,000
- interest	20,175			20,175
Donations - general	91,591			91,591
United Way grant	47,700			47,700
Office rent and memberships	78			78
Grant from region	10,760			10,760
Interest - term deposits	794	794		1,588
Fees - parents		2,761	1,319	4,080
Regional social services	5,739	205,200	32,413	243,352
Anglican's in Mission	16,147			16,147
Rent - apartment	4,200			4,200
Grant - Ministry of Community			15,413	15,413
- Youth and housing adm.	14,250			14,250
- Youth and housing service	37,500			37,500
Skills development & youth	1,600			1,600
Gasoline refund		38		38
Baseball tournament donation	35			35
Grant - minor capital enrich.	854			854
Interest - Bowstead estate	177			177
	292,600	208,793	49,145	550,538
<u>EXPENSES - per schedule</u>	<u>275,190</u>	<u>225,359</u>	<u>41,473</u>	<u>542,022</u>
<u>NET RECEIPTS OVER (UNDER)</u>				
<u>EXPENSES FOR YEAR</u>	<u>17,410</u>	<u>(16,566)</u>	<u>7,672</u>	<u>8,516</u>

ST. MATTHEW'S HOUSE

SCHEDULE OF EXPENSES

FOR THE YEAR ENDED DECEMBER 31, 1986

<u>EXPENSES</u>	<u>Social Services</u>	<u>Day Care Centre</u>	<u>1/2 Day Program</u>	<u>Total</u>
Salaries	160,633	154,304	21,449	336,386
Casual labour		4,601	96	4,697
Employees' benefits	18,359	18,359	3,193	39,911
Janitorial supplies	1,246	1,245		2,491
Repairs and maintenance	7,001	6,961	488	14,450
Utilities	12,018	7,190		19,208
Office expense	3,922	1,681		5,603
Transportation	577	233	4	814
Conference	232	1,046		1,278
Programs	3,342	8	36	3,386
Client's assistance	51,628			51,628
Day care food		17,661		17,661
Consumable supplies		1,758	77	1,835
Insurance - school bus	3,069	3,320	2,046	8,435
Equipment purchases	10,459	4,737		15,196
Audit	500	500		1,000
Publicity	1,118	1,182		2,300
1/2 Day - Food			186	186
- Telephone			414	414
- Rent			2,000	2,000
- Equipment			11,389	11,389
Equipment - resources teacher	709			709
Inspection fee		20		20
License		5	5	10
Memberships		18		18
Miscellaneous			90	90
Bank charges	377	376		753
Field trips		154		154
	<u>275,190</u>	<u>225,359</u>	<u>41,473</u>	<u>542,022</u>

FOR ACTION

3b.

FROM Mr. E. W. Kowalski, Director,
Department of Community Development

DATE 1987 September 22

TO Planning and Development Committee

Refer To File No. 800-0220.4

Attention Of _____

Your File No. _____

SUBJECT

Kirkendall-Strathcona Neighbourhood Improvement Programme/Kirkendall-Strathcona Neighbourhood House (Wesley Urban Ministries); 1986 Annual Audited Statements.

RECOMMENDATION

That the attached audited financial statements and annual report for the Kirkendall-Strathcona Neighbourhood House for 1986 be adopted.

Note: Wesley Urban Ministries submits Annual Statements for the Wesley Centre and the subject Neighbourhood House inclusive. The City of Hamilton has a "requirements for Mortgage/Agreement" with the Ministry for the Neighbourhood House only.

E. Kowalski

BACKGROUND

On 1981 July 27, the City of Hamilton entered into an Agreement with Wesley Urban Ministries/Trustees of the Zion Congregation of the United Church of Canada to cover the terms and conditions of repayment of the sum of \$375,000.00 for the renovation of the Zion United Church to provide community and recreational services to the neighbourhood under the Neighbourhood Improvement Programme. This is a forgivable loan earned at \$41.05 per day until 1990. The Agreement stipulates that the audited financial statements and annual report for each year must be submitted to the City of Hamilton for approval.

WESLEY CENTRE
129 Rebecca St., Hamilton
L8R 1B9 (416) 528-5640

KIRKENDALL STRATHCONA
NEIGHBOURHOOD HOUSE
210 Napier St., Hamilton
L8R 1S7 (416) 528-8485



W WESLEY +
URBAN
MINISTRIES

Aug. 19/87

810-0104

810-0069

822/35

87/5/20

1986 ANNUAL REPORT

ANNUAL REPORT - 1986

The year 1986 was one marking the beginning of Wesley's move upwards to a new plateau of Christian Service to our clients.

At the start of the year, we produced two new video tapes - "Who Cares?" and "The Christmas Store". In April we hosted a visit from the moderator Dr. Robert F. Smith, who expressed enthusiasm and approval of our efforts. We rented the top two floors of our building at 129 Rebecca St, where we also built a new (and first) office for Wesley Urban Ministries. We intensified our fund raising efforts.

In late Winter we held a successful retreat at Five Oaks for Board and staff members. From this meeting, Judith Johnson helped us to develop and approve a goals statement for WUM.

In September, we welcomed our new Director Birgitt Bolton, with specific instructions to plan for us new and expanded programs of service. Already she has had our Board of Directors work through and approve a brand new service plan for Wesley Urban Ministries which shows clearly the need for more staff and more volunteers. At the same time she has identified 11 possible sources of additional revenue (not all of which we would accept), and raised the sights of our fund raising efforts.

Wesley Urban Ministries is on the threshold of great new achievements. It is becoming as never before a privilege to serve our clients in Christ's name.

Jack Moore
Chairman

BOARD OF DIRECTORS
FOR WESLEY URBAN MINISTRIES
1986 - 1987

Mr. Jack H. Moore	Chairman
Mr. Ernest J. King	Vice Chairman Chair. Build. & Property
Rev. Anna C. Russell	Secretary Chair. Fund Raising
Mr. Ralph J. Banner	Treasurer
Mr. Tosh Nanba	Chair. Marginalized Persons
Mr. Don. Fairfax	Chair. Community Development
Mr. Jack C. Jaggard	Chair. Personnell
Rev. Stephen Hershey	Chair. Finance
Mr. Wm. Ian Gordon	
Mrs. Marion McIvor	
Miss Joan Rogers	
Mrs. Ruth Vogt	
Rev. Charles P. Beaton (Chuck)	

1986 - 87 REPORT OF THE FUND RAISING AND PUBLIC RELATIONS COMMITTEE

This is a new Committee created by the Board during the past year. Like all new ventures we have suffered our "birth-pains" and growing pains. The committee was first conceived as a Communications Committee with primary emphasis on establishing good communications between our shareholders, supporters and ourselves. By the time of its birth, it had been expanded to include the fund raising aspect, the rationale being that fund raising depends on good communications, and so it was named "Communications and Fund Raising Committee". And finally the name was changed to "Fund Raising and Public Relations Committee", which takes in an even larger scope.

From the angle of communications, we have published a bi-monthly WUM News-update, sent to all members of Hamilton Presbytery and the Presbyterian U.C.W. as well as other organizations and individuals. The Presbytery Executive has been generous in giving us time on the agenda of Presbytery meetings, so that a verbal report could be brought to Presbytery regularly. WUM also made a presentation at the Hamilton Conference Executive in February. We are now compiling a comprehensive mailing list so that we can maintain even better communications with our supporters and general public. Our video "Who Cares? We Care" and "The Christmas Store" have already been seen by many people. They are free for loan to individuals, groups and churches from the WUM office (528-5629).

From the angle of fund raising we are taking a big leap in faith this year. We are most grateful for the Mission Strategy and Support Grant received each year, for the grants from Mission Council of Hamilton Presbytery, and for the very generous donations of cash and goods from United Church people and a number of the general public. We also received a number of grants from different levels of the government. However, if we were to carry out our work beyond the immediate "relief" to "development" in a holistic way, we require a much higher budget than that we receive from the above sources. It is for this reason we need other fund raising efforts. The Executive has helped us in indentifying some directions about which we can explore.

Before I close, let me express my sincere thanks to Tosh Nanba who has put in much energy and efforts in the areas of fund raising and public relations before this Committee was ever formed, to Birgitt Bolton who has an abundance of energy, dedication and "know-how", to members of this committee (Jack Moore, Tosh Nanba, Borden Evans, Birgitt Bolton) whose hard work and creativity are to be admired greatly, and to Patti Seredoka, the ever willing and cooperating secretary of WUM. My gratitude is extended also to all of you, for without your caring and generous support, there would not be a WUM! I know you will continue to support WUM. It has been my privelege to serve in this capacity for the past year.

Respectfully Submitted

Anna C. Russell
Chairperson

1986 PROPERTY REPORT FOR WESLEY URBAN MINISTRIES

This was a good year for Wesley Urban Ministries, many changes took place regarding our properties - Wesley Center at 129 Rebecca St and Kirkendall Strathcona at 210 Napier St.

W.U.M. acquired an Executive Director and this necessitated a new office arrangement which was completed in the front of the first floor at 129 Rebecca St. This was completed for a very reasonable sum of money and a lot of volunteer help.

Changes were made in the office space at K/S facilitated by the leaving of the Photo Union and a bequeath of money from the estate of the late Tom McDonald, (former chairman of the Community Development Committee) in whose name the office space was dedicated.

Both W.C. and K/S had improvements in their garbage storage as well as other upgrading in general repair.

The top two floors at 129 Rebecca were rented out to small manufacturing concerns on a 1 year lease. These leases are to be reviewed before they expire.

1987 looks like a year of expansion and we are looking forward to many more changes especially at 129 Rebecca St. which should make programming at W.C. much more extensive, and improve the general appearance of our facilities a great deal.

Much thanks is extended to volunteers Bob Moffit and Lew Loloma for the many hours they have given to maintenance and construction at both our facilities. The work that has been done would not have been done without their help.

Trusting that the year ahead will be a good one for all staff and board members and that God will go with you and guide you in all your endeavours.

E. J. King
Chairman, Property Committee

REPORT OF THE WESLEY CENTRE COMMITTEE

Who Shall We Keep Out ?

A question posed at a recent committee meeting caught us by surprise: Who shall we keep out of Wesley Centre ? Other agencies restrict access by age or sex or by degrees of sobriety or mental stability.

With our "open door" policy, the answer was clear ... reject no-one in need. Don't worry if others are unable or unwilling to cope with certain elements of society. Our mandate is to turn aside no-one, to be open and available every day of the year, to provide a measure of constancy so often missing from the lives of our patrons.

This "open door" policy is not without problems. Anti-social behaviour ranging from drunken intimidation to total disregard of personal hygiene often makes times trying for staff and clients alike.

During 1986, our programs relating to the provision of basic services were consolidated and are now running very smoothly. These are the traditional programs of daytime shelter, mid-morning soup and afternoon lunch, Sunday dinners, emergency food and clothing, and amenities such as shower and laundry facilities, access to a telephone, newspaper and magazines and a mailing address. Counselling, referral and advocacy services were also provided to the extent of limited staff resources.

The goal for the coming year is to extend services to the next higher level aimed at upgrading the social and life skills of our patrons. Personal surveys of drop-in participants will seek to pinpoint individual needs as well as suitable group programs. Our Senior Counsellor will service an expanded caseload and new staff personnel are to devise programs which promote social interaction and individual skills development. While our basic services are essential for physical maintenance, this second level seeks an escape from entrapment and a return to accepted societal values.

To the friends and supporters of Wesley Centre go our heartfelt thanks for your generous donations of goods and services and for your expressions of encouragement. To the staff of Wesley Centre and its dedicated corps of volunteers, a simple thank-you seems hardly adequate unless you multiply it by the many thousands whom you served during 1986.

Respectfully submitted,

Tosh Nanba,
Chairman - Wesley Centre Committee

One of the first people I met after I arrived at Wesley Centre in 1975 was a young man whose mother had just died. He was strong, and quick, able to find work as a labourer in construction, when he wanted it, and walk away from it when he didn't. The Centre was able to help him get home for the funeral. There had already been a lot of heartbreak and failure, in his short life, that I didn't know about then, but there was also strength, determination, decency, humour, and anger - lots of anger - hot and bitter, though largely unfocused. If I knew then what I know now I would have recognized in those early days the accelerating downward spiral of a life failing to cope with the compounded problems accumulated through the past, festering in the present, and crippling the possibilities of the future. That means that for more than a decade we have been witnesses to the continually depressing, destructive, degrading drama of a life slowly disintegrating in spite of all the resources available in this modern city. Here is a life too often forced in on itself. As the years went by the fighting and the drinking took its toll; the work became less frequent as his reliability evaporated. Long periods on the streets, even in winter, prolonged bouts of alcoholism, punctuated by periods in the lock-up, and in hospitals established a chaotic life-style that made it difficult, if not impossible for community services to help him.

It is a hard fact to face, but the truth is that most of those close to him are living so close to the survival line that their meagre resources cannot support him in his increasing periods of need. Some of them are caught in the same spiral, poor to precarious (yet expensive) accommodation, alcoholism, poor health, no work; such desperation becomes a serious threat to the uncertain stability of other family members and friends thus increasing the isolation felt. Thus any strength gained in a minor success is quickly lost, like a drop of water on sand. So here we are, more than ten years later, and the young man has become old. The vigour has gone, and he's seldom free of alcohol, with permanent debilitating injuries from fighting, accidents and a terrible life-style. He moves with uncertainty, uses a cane, and often can barely focus on you, or talk clearly. Two things remain: anger and humour.

He has spent more time in the Centre than anywhere else, including prison, over the past dozen years. It probably has been the one constant in his life. Well, you ask, how come he is so much worse now than he was if the Centre has been such a large part of his life over the years? We could beg the question by saying we would have buried him long ago. However, let's begin by talking about the vastly unequal struggle in which we are engaged. For example, there are 168 hours in a week. The Centre, though open every day, is accessible for 42 hours; that is 25% of his time! The rest, the 75%, is spent elsewhere, in almost unreleased misery and deprivation. Still, that is only one measurement, and even if we argued for a more balanced proportion of time, say 30, 40, or even 50%, we are looking at a vast increase in our resources. If we look at what we are trying to do in that maximum of 25% that we do have, we may gain some insights. I think we deliver some essential, basic services: food, clothing, shelter, space, financial and emotional support, for many people; and that is expensive! We could, and should, do more, and do it more effectively, making continuous improvements in what we do, on your behalf, and how we do it. But if we become increasingly involved with the "why" we do it, then we have to look more deeply and

compassionately, at the increasing number of people of our acquaintance, who are mouldering away.

Usually when we talk about graduating we have positive images in mind; a goal has been reached; something has been accomplished, attained; from which, hopefully, a new, more challenging, phase of life is to begin. But for some graduation isn't experienced that way. Everyone graduates, but from what? Our man graduated from a large, unstable, brutalizing, poverty-ridden family. He also "graduated" from a confusing, stultifying, oppressive school experience. From time to time he took "compulsory", "upgrading" courses in detention facilities; and honed his budding skills in the dehumanizing, violent, "post-graduation" world of the street. With occasional periods of respite in detention, in detox, in hospital, he is entering his most "productive, maturing" years as a broken, yet destructive, very expensive charge upon society, destined, in increasing dependency, for the rest of life, to be "a collector" but not a "giver" in this community. I think the hardest, and saddest fact for me to face is that we are prepared to continue the "giving" because it is too hard, too expensive, too draining, to work at finding ways to make him a "giver", even in a small way, as well as a "collector".

Down the road we need the power of conversions, which shouldn't be a new language to a church constituency. In order to answer that need we need more time, and more people, gaining more knowledge, and skills; with the persistence, the vision and conviction in miracle. We need the human resources for the long haul that can sustain a supportive, healing community where the "lost" can find hope, love, then faith, by discovering they are needed too, and have resources within themselves that make them "givers" as well as "collectors".

Art Verrall
Director of Wesley Centre

INTERESTING STATISTICS FOR WESLEY CENTRE

Average number served daily :	167
Volunteer hours for 1986 :	5730
Number of different volunteers (not including Sunday helpers) :	104
Sunday dinners supplied by churches :	41
Number of donations in kind :	815
Value of food in kind in stock as of January 1, 1987 :	\$18,000

As you can see, Wesley Centre has benefited greatly by your time, talents, and goods. We hope that you have also benefited by the experience!

Thank you

Kirkendall - Strathcona Neighbourhood House Committee - 1986

K-S Neighbourhood House located at 210 Napier St., Hamilton, Ontario, is a Community Centre that responds to the social, cultural, educational, and recreational needs of all ages within the community.

Under the umbrella of Wesley Urban Ministries, K-S began the year 1986 full of confidence in its ability to "do the job", propelled by the enthusiasm of a successful 1985. Momentum increased as the year progressed due in no small measure to W.U.M.'s engagement of an Executive Director in the person of Birgitt Bolton, and K-S's engagement of a new Program Co-ordinator in the person of Susan Stokes.

Major Outreach Programs continued in the "Many Areas of Recreation", "Computers For The Community", "Italian and Portuguese Advocacy", "English As A Second Language", "Newsletter Production and Distribution (2)".

A fourth Birthday - Anniversary Celebration was held April 26 - 27 with enthusiastic staff and community participation.

The second "Divine Elegance" Fashion Show was held November 17 at the Royal Cannaught Hotel. Planning and operation required a substantial number of staff hours. Net Profit was nearly \$2000. The continuance of this event is under review.

The fifth operation of W.U.M.'s Christmas Store took place between December 8 - 19 at K - S. Thanks to the support of 150 Volunteers, plus hundreds of donations of cash, merchandise, and food, 702 Families representing 2165 people were assisted.

1986 was a successful year at K - S in all respects due to the following :

1. Support and enthusiasm from the Board of Directors.
2. Leadership and Direction from Executive Director Birgitt Bolton and Director Paulette Baron.
3. Co-operation and Excellence from permanent Staff.
4. The best and most dedicated group of Grant Personnel we have ever had, without whose help it would have been impossible to effectively operate the many programs and services we offer.
5. The many volunteers from the church and community who willingly gave of their stewardship of time, talent and money.

1987 will be a year of challenge and opportunity. However, in order to reach the full potential of our facilities and the fulfillment of our mandate, personnel and financial resources need to be increased. The uncertainty of government grants, plus the variables of volunteer participation, important as they are, cannot replace a permanent core staff with adequate means of operation.

Thanks to all who made K - S a 1986 Success; we look forward to 1987 with expectation and optimism.

K - S Committee Chairman - Don Fairfax
 Members - The Rev. Chuck Beaton
 The Rev. Don Deas
 Ruth Vogt

Report of the Director of Kirkendall Strathcona Neighbourhood House

K.S.N.H. flourished in the first half of 1986. It was a year of progress, development, creative ideas and a sense of filling our commitment to the Kirkendall and Strathcona communities. With the aid of government grants the KS Centre was able to offer a full complement of computer programmes for adults, youth, seniors and children. Our recreation programmes expanded. Much was made possible through government grants.

Our first group of energetic enthusiastic young adults, thirty-seven in all, hired through the Ontario Youth Corp grant, left after the six month job training programme in June. Fortunately, through the Student Employment Experience Development grant we were able to hire thirteen students from university, college and secondary schools to provide supervision, excitement and creativity to our summer day and residential programme offered for children aged four to twelve throughout the summer months. Also through another federally operated grant, Section 38, geared towards providing job experience for persons receiving unemployment insurance benefits, we were able to begin to develop a staff resource library, continue our computer programmes and co-ordinate an end of summer street dance for the communities, a fund raising Fashion Show, Divine Elegance held at the Royal Connaught Hotel. These three Section 38 grant staff were also invaluable in working with the staff of KSNH to co-ordinate and implement WUM's extensive Christmas aid programme the "Christmas Store" where seven hundred and three families were provided with food, gifts, toys and used clothing.

The W.U.M. Christmas Store is a most unique approach to providing goods for those in need at Christmas. All families and individuals are processed through the Christmas Registry to ensure that duplication of services does not take place; "customers" are then given an appointment within the two week store operation. Food, toys and gifts are set out in a store-like manner to enable people to choose the items which are most appropriate for their families. Volunteers accompanied each family through the process in order to ensure that they understood the system and received the most appropriate items.

One hundred and seventy-five dedicated volunteers, the majority from United Churches in the Hamilton area, participated in setting up the store, sorting goods, stocking shelves, babysitting, clerking in the store and taking part in the planning committee. Over 2000 hours of volunteer time was given to this most valuable project.

In the Fall, programmes, much to our dismay, had to be reduced due to lack of staff. Grants which had previously been available in profusion were either no longer in existence or were geared towards the private sector. With the aid of volunteers we were able to continue our preschool, latch key kids and computer programmes.

With the end of 1986 came a beginning of a new era for K.S.N.H. It is our sincere hope and commitment to bring KS to maturity in the coming year. To enable us with the establishment of ongoing core funding for W.U.M. to develop programmes and activities that are not dependant on the availability of grants.

Paulette Baron
Director of K.S.N.H.

A measure of activity at K.S.N.H. -

Over 800 children were served by our P.D. day and school break programs.

Over 4500 child contacts in our latch key kids program

450 children attended our summer camping programs

3053 problems were dealt with by our Italian advocacy worker

2229 problems were dealt with by our Portuguese advocacy worker

703 families assisted by the Christmas Store

THE CHRISTMAS STORE

This year 2165 people were served by the Christmas Store at Kirkendall-Strathcona Neighbourhood House including 1171 children and 994 adults.

Children ranged in age as follows :

0 - 1 years	95
2 - 6 years	357
7 - 12 years	384
12 - 16 years	214
16 +	121

We were able to give food, clothing and gifts to all who came to us in need both at Kirkendall Strathcona and at Wesley Centre. As well as the families assisted at Kirkendall-Strathcona, 308 single men and women were served at the Christmas Store at Wesley Centre

All in all, the United Church really came through for those in need in Hamilton!

A word about our ministry to the ethnic community ...

Kirkendall-Strathcona Neighbourhood House has a large ethnic community comprised mainly of Italian and Portuguese community workers, those in need in our community are efficiently assisted in surmounting the various barriers brought about by their lack of command of the English language and their limited formal education.

The workers assess the needs of people seeking their assistance and provide services in areas such as advocacy, translation, interpretation, assistance with forms, counselling within the office, and at other agencies as required, or at the client's home.

The following two case studies illustrate the type of work performed by the ethnic community workers.

COMMUNITY OUTREACH CASE STUDY #1

CANADA PENSION

Background : Client came to office with her father wanting to inquire regarding the possibility of applying for Disability Benefit under the Canada Pension Plan. Father spoke very little English, client had a severe speech impediment and a hearing problem.

ACTION TAKEN : Explained basic requirements needed to apply for a disability pension.

- a/ Severe and prolonged disability.
- b/ Sufficient contributions (not less than 2 years in the last 3 years, and at least 5 years in the last 10 years).

Client felt she was no longer able to engage in any gainful occupation.

It was established that she had the contributions required, also they were informed of the documents required when the application is submitted.

- In her case :
- a/ Birth Certificate
 - b/ Social Insurance Card
 - c/ T4 slips from last year's earnings

On their behalf I contacted the Canada Pensions Office and requested a disability kit. Subsequently I completed the following :

- a/ Application
- b/ Questionnaire
- c/ Authorization to disclose Medical information

Made appointment at C.P.P. office to submit application. I acted as interpreter at the Canada Pension office.

OUTCOME : After 3 months the reply came. Based on available medical evidence they found the client, not eligible for a disability benefit.

ACTION TAKEN : Client came to the office and I explained the situation. I would be able to appeal the case if we had medical evidence which would support our submission. With her authorization, I wrote to her family doctor and requested a complete report on her degree of disability.

The doctor's reply was that he felt his client was disabled and unable to work.

Following this I wrote a letter of appeal to the Canada Pension Plan and attached the medical report as supportive evidence.

Correspondence followed between our office and Canada Pension for several months until a decision was reached.

OUTCOME : I am pleased to say that after 9 months of deliberation the disability application was approved and my client received retroactive payment in the amount of \$3,604.02 and a monthly pension of \$247.53.

Anna Marie Martello
Advocacy Worker

COMMUNITY OUTREACH CASE #2

BACKGROUND : A Portuguese family came to our office with an immigration problem.

- when they contacted our centre they had been in Canada for 5 months.
- prior to this, they lived in Portugal with very little income.
- they read a notice in a local newspaper advertising our open door policy for anyone wishing to immigrate to Canada.
- immediately, they decided to immigrate to Canada, sold the few things they owned and borrowed money to pay for their trip.
- when they arrived in Canada they realized that there was no open door policy.
- they contacted an "immigration counsellor" who charged them \$1,500 to provide them with directions on how to apply for refugee status.. This, he explained would enable them to remain in Canada.
- a few weeks later this counsellor requested another \$1,500. They were not able to pay and this counsellor stopped assisting them.
- this family found itself in a very desperate situation at which time someone told them about our centre.

ACTION TAKEN

I made an appointment with an immigration officer. I interpreted and advocated on their behalf.

I explained to the officer the circumstances that mislead this family. I was able to obtain a work permit for the head of the family. I took the necessary steps to initiate a hearing procedure to review and establish their status in Canada.

OUTCOME

I interpreted and represented this family at their immigration hearing. I am pleased to say that as of November 1986 they were granted landed immigrant status.

This family is well established today and is very thankful to Wesley Urban Ministries for the services they provide.

Jose Campos
Advocacy Worker

Executive Director's Report

The privilege of joining the Wesley Urban Ministries team was mine in September of 1986. My understanding at that time was that W.U.M. had been through a turbulent time but was now ripe for a new era to begin. And what an exciting new era it is! In October of 1986 the Board of W.U.M. took the very important step of adopting a Mission Statement and Goals. From that, in November the Board and Staff worked hard to develop the 1987 service plan for W.U.M. All of this was the beginning of an organization to be governed by goals and objectives and an overall plan for the work we are engaged in.

This is no easy task; we are never sure that we will have enough resources available to us and we are never sure about the changing needs of those who come to us for help. Thus, our planning needs to be very creative, far-sighted and more flexible than would normally be expected. Through this process we anticipate that W.U.M. will become ever-increasingly more efficiently and effectively run to ensure that the needs of the clients are met and to ensure the best possible stewardship of the financial and human resources entrusted to us.

In 1987 the Board and staff of W.U.M. will establish a firm base upon which to build. We will research and analyze until we have a clearer understanding of the needs we should be meeting and from this understanding we will establish sound policies and procedures upon which to build the best possible services.

In establishing our solid base, we look forward again to working closely with the Hamilton Presbytery of the United Church and the various levels of government. This combined effort is an integral part of ensuring that the best possible base is established for W.U.M.

Birgitt Bolton
Executive Director

List of Staff During 1986
(including staff who have left and grant staff)

CORE STAFF

W.U.M.

Birgitt Bolton
Patti Seredoka

Wesley Centre

Art Verrall
Joan Moffitt
Colin Carlton

Kirkendall-Strathcona
Neighbourhood House

Paulette Baron
Eve St. Pierre
Paul Foote
Lisa Soucy
Susan Stokes
Anna Marie Martello
Jose Campos

PART TIME or TEMPORARY

Aurelia DiLuca
Marg Kowalski
Cheryl Ogborne

GRANT STAFF

SEED GRANT

O.F.Y.

YOUTH CORP 86

K. Ammendolia
M. Bray
K. Cogswell
K. Dolyniuk
K. Fox
T. Goupil
S. Harding
M. Madore
E. McCreadie
A. Rado
K. Scott
P. Williams
S. Wortman
L. Yurkiw

M. Barbosa
K. Buwalda
K. Dolyniuk
K. Hamilton
K. Isaacs
A. Pass
M. Raso
L. Silva
L. Westhauser

SECTION 38

M. Tessier
J. Douglas
S. White
P. Serefini
D. Abbott
P. Bentham

N. Anz	M. Pental
D. Arprey	M. Pitman
E. Brown	T. Reeves-Newton
D. Buttrum	B. Robb
V. Coraci	R. Romberg
R. Demelo	W. Romberg
E. Divers	P. Ryerson
C. Driscoll	K. Scott
N. Duquette	J. Silva
L. Edgett	D. Smith
A. Grant	L. Stearns
S. Griffin	S. Trotter
L. Johnson	L. Waskin
A. Lucas	A. Vienneau
C. Lumsden	S. Morris
S. MacLean	B. Packer
D. Martin	N. Parisi
J. McDermid	E. Parsons
L. McFadyn	M. Pate

CANADA WORKS

J. Harkness
J. Watt
L. Soucy

WESLEY URBAN MINISTRIES INC.

FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 1986

and

BUDGET FOR THE YEAR 1987

FINANCIAL REPORTS



Spicer MacGillivray

Chartered Accountants

MED. BOX 69
4 HUGHESON STREET SOUTH
HAMILTON, ONTARIO L8N 3M1
TELEPHONE: (416) 523-7752
CABLE: ESSANO HAMILTON

AUDITORS' REPORT

To the Members of
Wesley Urban Ministries Inc.

We have examined the balance sheet of Wesley Urban Ministries Inc. as at December 31, 1986, and the statements of revenue and expenses and net worth for the year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as we considered necessary in the circumstances, except as noted below.

Due to their source and nature, it was not practicable to verify independently the donations received, but the amounts shown on the accompanying statements are in agreement with the records of the organization.

In our opinion, except for any adjustments that would have been necessary had we been able to verify donations, these financial statements present fairly the financial position of the organization as at December 31, 1986 and the results of its operations for the year then ended in accordance with the accounting principles set out in the notes to the financial statements applied on a basis consistent with that of the preceding year.

February 2, 1987.

Spicer MacGillivray
CHARTERED ACCOUNTANTS.

WESLEY URBAN MINISTRIES INC.
NOTES TO FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 1986

1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of Accounting

Revenues and expenses are recorded on an accrual basis. Grants received to offset specific project costs are recognized as revenue to the extent of the costs incurred. The excess of grants received over costs incurred are treated as deferred revenue.

(b) Fixed Assets -

(i) Land and building are recorded at no value.

(ii) Administrative equipment and furniture are expensed when purchased.

2. COMMITMENTS

Wesley Urban Ministries leases its telephone systems at an annual rental charge.

3. CONTINGENT LIABILITY

During 1981, the corporation guaranteed a mortgage in favour of the City of Hamilton on behalf of the trustees of Zion United Church. The mortgage principal is being forgiven at a rate of \$ 41.05 a day beginning January 1, 1982 through the 25 year life of the mortgage by the provision of community services to be rendered by the corporation in Kirkendall - Strathcona Neighbourhood House of Zion United Church. The unforgiven balance at the end of the year is \$ 300,044. The mortgage has no provision for interest on the unforgiven balance.

WESLEY URBAN MINISTRIES INC.
BALANCE SHEET
AS AT DECEMBER 31, 1986

A S S E T S

	1986	1985
CURRENT		
Cash	\$ -	\$ 57,466
Accounts receivable	9,572	4,346
Prepaid expense	785	879
	<u>10,357</u>	<u>62,691</u>
FIXED ASSETS		
Cost	392,303	392,303
Less funds provided from grants and other sources	<u>392,303</u>	<u>392,303</u>
	-	-
TOTAL ASSETS	<u>\$ 10,357</u>	<u>\$ 62,691</u>

L I A B I L I T I E S A N D N E T W O R T H

CURRENT		
Bank overdraft	\$ 1,977	\$ -
Accounts payable and accrued liabilities	12,863	12,544
Deferred revenue (note 1)	-	43,076
	<u>14,840</u>	<u>55,620</u>
CONTINGENT LIABILITY (see note 3)		
NET WORTH (Exhibit "B")	(4,483)	7,071
	<u>\$ 10,357</u>	<u>\$ 62,691</u>

APPROVED ON BEHALF OF THE BOARD

_____))
_____)) DIRECTORS
_____))

WESLEY URBAN MINISTRIES INC.
STATEMENT OF NET WORTH
FOR THE YEAR ENDED DECEMBER 31, 1986

	<u>1986</u>	<u>1985</u>
NET WORTH - BEGINNING OF YEAR	\$ 7,071	\$ 20,596
Add - excess (deficiency) of revenue over expenses for the year	(11,554)	31,466
- transfer from Building Fund and Wesley Trust Fund	-	13,746
- grants from Hamilton Presbytery Mission Council applied towards debt repayment	-	165,808
	(4,483)	231,616
Less - write-off of land and building to the extent of debt repayment	-	183,000
- write off of land and building purchased from internal funds	-	41,545
NET WORTH - END OF YEAR	<u>(\$ 4,483)</u>	<u>\$ 7,071</u>

WESLEY URBAN MINISTRIES INC.
STATEMENT OF REVENUE AND EXPENSES
FOR THE YEAR ENDED DECEMBER 31, 1986

	<u>1986</u>	<u>1985</u>
REVENUE		
Church		
Block grant, Division of Mission	\$ 130,000	\$ 115,000
Hamilton Presbytery Mission Council	14,884	18,700
Local churches	29,540	40,450
Individuals	38,695	29,230
Offerings	281	292
Division of Mission	1,565	-
Grants		
Region of Hamilton-Wentworth	23,400	22,875
Government of Canada	43,089	35,656
Government of Ontario	171,227	154,583
Rental income	16,820	28,385
Fees for services		
Projects	4,612	4,276
Program services	13,418	11,143
Community		
Corporate donations	4,799	7,375
Groups and individuals	13,456	17,203
Interest	920	1,860
TOTAL REVENUE	<u>506,706</u>	<u>487,028</u>
EXPENSES		
Salaries	356,110	277,599
Benefits	21,653	17,090
Staff and Board development	1,137	893
Supplies for programs	42,121	50,125
Equipment purchases	-	1,393
Office supplies	15,643	11,028
Utilities	24,383	25,656
Telephone	8,444	6,731
Realty taxes	2,797	5,856
Maintenance, supplies and janitorial	33,401	41,284
Insurance	2,028	3,219
Travel and van	6,374	5,205
Interest on loans	-	7,780
Audit	1,200	1,000
Bank charges	1,214	267
Miscellaneous	1,755	436
	<u>518,260</u>	<u>455,562</u>
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENSES FOR THE YEAR	<u>(\$ 11,554)</u>	<u>\$ 31,466</u>

CONTROLABLE INCOME

=====

BLOCK GRANT-
GRANTS-REGION
-FEDERAL/PROVINCIAL
RENTAL INCOME
FEES
DIV. MISSION-MANSE/VAN
MISSION COUNCIL
INTEREST INCOME
PROJECTS

TOTAL

DISCRETIONARY INCOME

=====

CONGREGATIONS
U.C.W.
INDIVIDUALS
CORPORATIONS
GROUPS
OFFERINGS
FOUNDATIONS
REQUESTS

TOTAL

POTENTIAL INCOME

=====

PROVINCE OF ONTARIO
FEDERAL-EMPL. & IMMIGRATION
-NATIONAL WELFARE

TOTAL

TOTAL INCOME

K.S.N.H.	W.C.	W.U.M.	TOTAL	DESIGNATED GRANTS	GRAND TOTAL
----------	------	--------	-------	----------------------	----------------

12000	11000	155000	155000	80000	155000
7000		30000	30000		30000
0	3700	25000	25000		105000
		23000	23000		23000
		7000	7000		7000
		3700	3700		3700
		15000	15000		15000
		1000	1000		1000
		2000	2000		2000

19000	14700	228000	261700	80000	0	341700
-------	-------	--------	--------	-------	---	--------

17000	10000	22200	49200			49200
3000	5000	2000	10000			10000
9000	10000	20300	39300	25000		64300
5000	3000	500	8500			8500
7000	3000		10000			10000
	1000		1000			1000
1700		5000	6700	2500		9200
			0			0

42700	32000	50000	124700	27500	0	152200
-------	-------	-------	--------	-------	---	--------

		50000	50000	55000		105000
		0	0	140000		140000
		50000	50000			50000

0	0	100000	100000	195000	0	295000
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61700	46700	378000	486400	302500	0	788900
-------	-------	--------	--------	--------	---	--------

	K.S.N.H.	W.C.	W.U.M.	TOTAL	DESIGNATED GRANTS	GRAND TOTAL
STAFF						
SALARIES	156000	69000	68000	293000	284000	577000
BENEFITS	7500	6500	5000	19000	14500	33500
PENSION/GRUP INS.	5000	3000	3000	11000		11000
MANSE-17 BARCLAY		3500		3500		3500
STAFF DEVELOPMENT	1000	1000	1000	3000		3000
TOTAL	169500	83000	77000	329500	298500	628000
BUILDING & MAINTENANCE						
GAS	8500	5500		14000		14000
HYDRO	5600	5500		11100		11100
TELEPHONE	5900	2400		8300		8300
CARETAKING SUPPLIES	4000	5000		9000		9000
SERVICE CONTRACTS	2000	3000		5000		5000
BUILDING & PROPERTY	4000	25900		29900		29900
WATER	1200	700		1900		1900
TAXES		4000		4000		4000
CASUAL LABOUR	600	8000		8600		8600
INSURANCE	1900	2500		4400		4400
TOTAL	33700	62500	0	96200	0	96200
PROGRAM						
SUPPLIES - (NOTE 1)	5000	5000		10000	4000	14000
EMERGENCY ASSISTANCE		3500		3500		3500
VAN EXPENSE	1500	1700		3200		3200
EQUIPMENT	1000	2000		3000		3000
CHRISTMAS STORE			16000	16000		16000
TOTAL	7500	12200	16000	35700	4000	39700

NOTE 1 - NOT INCLUDED ARE GIFTS OF SUPPLIES ESTIMATED AT \$125,000.

	K.S.N.H. W.C. W.U.M.				DESIGNATED GRANTS	GRAND TOTAL
	TOTAL					
OTHER EXPENSE						
OFFICE SUPPLIES & EQUIPMENT	6000	400	5000	11400		11400
BANK CHARGES			500	500		500
POSTAGE	1000	200	1600	2800		2800
TRAVEL	2000	500	500	3000		3000
FUND RAISING			5000	5000		5000
ADVERTISING	200	200	200	600		600
BOOKS & PERIODICALS	150	150	200	500		500
AUDIT			1200	1200		1200
TOTAL	9350	1450	14200	25000	0	25000
TOTAL EXPENSE	220050	159150	107200	486400	302500	788900
EXCESS (-DEFICIENCY) OF INCOME OVER EXPENSE	-158350	-112450	270800	0	0	0

FOR ACTION

32.

FROM E. W. Kowalski, Director
Community Development Department

DATE 1987 September 10

TO Planning & Development Committee

Refer To File No. 800-0014.12

Attention Of

Your File No.

SUBJECT

Barton General Business Improvement Area (B.I.A.); Board of Management

RECOMMENDATION

- i) That, the Board of Management (attached) for the Barton General Business Improvement Area be approved; and,
- ii) That, the City Solicitor be hereby authorized and directed to prepare a by-law to appoint the Board of Management of the Business Improvement Area (B.I.A.) on Barton Street East from Wellington Street to Wentworth Street, as approved by City Council 1987 June 23 (By-law No. 87-178).

E. Kowalski

BACKGROUND

As stated in Section 217; Sub-section 6 and 8 of the Municipal Act:

- (6) "A Board of Management.....is a body corporate and shall consist of such a number of members appointed by Council."
- (8) "Where a vacancy occurs from any cause, the Council shall appoint a person qualified."

The Board of Management is attached.

cc: Alderman P. Valeriano
Alderman B. Hinkley

BARTON GENERAL B. I. A.

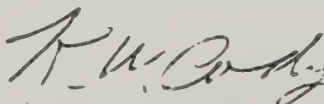
293 BARTON E BOX 900
HAMILTON ONT
L8N 3P6

City Hall, Hamilton, Ont Sept 9/87
Attention City Council;

Barton General B.I.A. board of management request your approval of the following names for our board.

Mr. Farogh Ahmad, Shaheen Enterprises Ltd. 357 Barton E.
Mr. Jim Bota, Bota Herring Ltd. 341 Barton E.
Mr. Keith Cody, Cody's Wallcovering 293 Barton E.
Mr. Valdi Greco, Riveria Banquet Hall 422 Barton E.
Mr. Dennis Howarth, Junk Box 294 Barton E.
Mr. Robert Kratz, C.J.Kratz Ltd. 359 Barton E.
Mr. Murray Korystco, Valco Decor Inc. 347 Barton E.
Mr. Sidney Shumacher, Shumacher Shoes 379 Barton E.
Mr. John Stassis, Dr. Carburator 316 Barton E.
Mr. Jack Thompson, Jacks Custom Kitchens 338 Barton E.
Mrs. Sara Vizzari, Your Bakery Ltd. 398 Barton E.

Yours Truly



K. W. Cody

Chairman



SEP 15 1987

40.

THE CORPORATION OF THE CITY OF HAMILTON

FROM Mr. D.W. Vyce, Director of Property DATE 1987 September 14
Name & TitleFOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.103 (4505)TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
CommitteeSUBJECT

Purchase by the City - 391 Sherman Avenue North
573667 Ontario Ltd.

RECOMMENDATION

That an Option to Purchase the property at 391 Sherman Avenue North duly executed by 573667 Ontario Ltd. (Norman Ferguson, President) on September 11, 1987 and scheduled to close on or before December 5, 1987 be approved and completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 22 feet (6.705 metres) by a depth of 90 feet (27.43 metres) comprising an approximate area of 1,980 square feet (183.94m²) with structures erected thereon. The purchase price of \$39,500.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from 573667 Ontario Ltd. (Norman Ferguson, President) for the purchase by the City of Lot 5, Plan 471, having a frontage on the westerly limits of Sherman Avenue North of 6.705 metres (22 feet) more or less by a depth of 27.43 metres (90 feet) more or less, containing an area of 183.94m² (1,980 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 391 Sherman Avenue North, Hamilton, the sum of \$39,500.00.

Atch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

BETWEEN: 573667 ONTARIO LTD.

In care of Mr. Eldon Hunt
Barrister & Solicitor
2019 Caroline St. E., Box 190
Burlington, Ontario L7R 3Y2

Hereinafter called "the Owner"
OF THE FIRST PART:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$ 1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Lot 5, Plan 471, having a frontage on the westerly limits of Sherman Avenue North of 6.705 metres (22 feet) more or less by a depth of 27.43 metres (90 feet) more or less, containing an area of 183.94 m² (1,980 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 391 Sherman Avenue North, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" - attached hereto.

The purchase price of the said property shall be the sum of THIRTY-NINE THOUSAND, FIVE HUNDRED DOLLARS (\$ 39,500.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 20th day of October 1987, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/agent at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before December 7th, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at HAMILTON this 14th day of September 1987.

SIGNED, SEALED AND DELIVERED
in the presence of

[Signature]

573667 ONTARIO LTD.
) [Signature] (Seal)
) PRESIDENT (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O. 1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Witness _____ Spouse _____ (Seal) _____
Date _____ Year Month Day

SCHEDULE "A"

391 Sherman Avenue North
Hamilton, Ontario

Owner's Interest
573667 ONTARIO LTD.

ELEMENTS OF COMPENSATION:

Market Value of Realty	\$39,000.00
Legal Fees, re: 391 Sherman Ave. North - -Mr. E. Hunt	500.00
TOTAL COMPENSATION	<u>\$39,500.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$39,500.00 is full and final payment of all compensation, interest and cost whatsoever which 573667 Ontario Ltd. might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 391 Sherman Avenue North, Hamilton, Ontario.

DATED at Hamilton this 11th day of September 1987

WITNESS:

P. L. L. L.
573667 ONTARIO LTD.
[Signature]



SEP 15 1987

THE CORPORATION OF THE CITY OF HAMILTON

FROM Mr. D.W. Vyce, Director of Property DATE 1987 September 14
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.111 (4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City - 11 Gerrard Street
573667 Ontario Ltd.

RECOMMENDATION

That an Option to Purchase the property at 11 Gerrard Street duly executed by 573667 Ontario Ltd. (Norman Ferguson, President) on September 11, 1987 and scheduled to close on or before December 7, 1987 be approved and completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 19 feet (5.79 metres) by a depth of 95 feet (28.956 metres) comprising an approximate area of 1,805 square feet (167.68m²) with structures erected thereon. The purchase price of \$40,500.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from 573667 Ontario Ltd. (Norman Ferguson, President) for the purchase by the City of part of Lots 53 and 54, Plan 471, having a frontage on the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less by a depth of 28.956 metres (95 feet) more or less, containing an area of 167.68m² (1,805 square feet) more or less, together with all buildings erected thereon and known as Municipal No. 11 Gerrard Street, for the sum of \$40,500.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

BETWEEN: 573667 ONTARIO LTD.

In care of Mr. Eldon Hunt
Barrister & Solicitor
2019 Caroline St. East, Box 190
Burlington, Ontario L7R 3Y2

Hereinafter called "the Owner"
OF THE FIRST PART:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lots 53 and 54, Plan 471, having a frontage on the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less by a depth of 28.956 metres (95 feet) more or less, containing an area of 167.68 m² (1,805 sq.ft.) more or less, together with all buildings erected thereon and known as Municipal No. 11 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" attached hereto.

The purchase price of the said property shall be the sum of FORTY THOUSAND, FIVE HUNDRED DOLLARS (\$40,500.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 20th day of October 1987, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/agent at the above address.

In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before December 7th, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at HAMILTON this 11th day of September 1987.

SIGNED, SEALED AND DELIVERED
in the presence of

S. L. L. L.

573667 ONTARIO LTD.

) [Signature] (Seal)
) _____ (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O. 1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Witness _____ Spouse _____ (Seal) Date _____ Year Month Day

SCHEDULE "A"

11 Gerrard Street
Hamilton, Ontario

Owner's Interest
573667 ONTARIO LTD.

ELEMENTS OF COMPENSATION:

Market Value of Realty	\$ 40,000.00
Legal Fees, 11 Gerrard Street - Mr. E. Hunt	500.00
TOTAL COMPENSATION	<u>\$ 40,500.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$40,500.00 is full and final payment of all compensation, interest and cost whatsoever which 573667 Ontario Ltd., might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 11 Gerrard Street, Hamilton, Ontario

DATED at Hamilton this 11th day of September 1987

WITNESS:

573667 ONTARIO LTD.

J. L. Lush

[Signature]

Office Copy



A deposit cheque in the sum of \$11,950.00 is being held by the City Treasurer pending Council approval.

[Signature] 4C

THE CORPORATION OF THE CITY OF HAMILTON

FROM Mr.D.W.Vyce, Director of Property DATE 1987 September 23
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 20.1.285 (2738)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Lot 38, Plan M-227 - Hamilton Industrial Park #1, Nebo Road
William Pickard and 441138 Ontario Ltd. and William Castle

RECOMMENDATION

That an Offer to Purchase the lands of the Corporation of the City of Hamilton, Lot 38, Plan M-227, Hamilton Industrial Park #1, located on Nebo Road, duly executed on September 23, 1987 by the Purchasers, William Pickard and 441138 Ontario Ltd. and William Castle, and scheduled for closing on March 23, 1988, be approved and completed.

Note: The purchase price is \$119,500.00. A deposit cheque in the amount of \$11,950.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the eastern limit of Nebo Road, having a frontage of 213.62 feet by a depth of 477.35 feet/516.95 feet and containing an area of 2.3902 acres; subject to an easement in favour of Bell Canada as set out in Instrument No. 36953 Barton.

It is understood and agreed that the Vendor upon completion of this transaction will pay a Real Estate Commission on the following basis to Fidelity Realty, 3252 Centennial Drive, Burlington, Ontario, L7M 1M9, whose agent, Robert W. Secord acted in this matter.

1st \$100,000.00 of Purchase Price - 5%
2nd \$100,000.00 of Purchase Price - 4%

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.

[Signature]

1987 September 23
Planning & Development
Page 2

BACKGROUND

This Department has received an inquiry from Mr. Robert W. Secord of Fidelity Realty, agent for William Pickard and 441138 Ontario Ltd. and William Castle of the City of Hamilton, as to the possibility of purchasing a 2.3902 acre lot on Nebo Road. The Purchasers plan to build a 20,000 square foot industrial building for leasing purposes.

Attch.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

6.1. The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 20,000 square feet, upon the hereinbefore described land by not later than September 23, 1988

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than .

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.

Continued.....1(b)

4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

OFFER TO PURCHASE

I/We WILLIAM PICKARD and 441138 ONTARIO LTD. and WILLIAM CASTLE of the City of Hamilton in the Regional Municipality of Hamilton-Wentworth hereinafter called the Purchaser, hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,

hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Lot 38 on Plan M-227, said parcel of vacant land having a frontage along the eastern limit of Nebo Road of 213.62 feet by a depth of 477.35 feet/516.95 feet; subject to an easement in favour of Bell Canada as set out in Instrument No.36953 Barton, as shown in heavy outline on the attached plan.

at the price of ONE HUNDRED AND NINETEEN THOUSAND, FIVE HUNDRED DOLLARS (\$119,500.00-----) of lawful money of Canada, payable as follows:-

- (a) A deposit of ELEVEN THOUSAND, NINE HUNDRED AND FIFTY-- DOLLARS (\$ 11,950.00-----) by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely ONE HUNDRED AND SEVEN THOUSAND, FIVE HUNDRED AND FIFTY-----DOLLARS (\$107,550.00-----) with interest as hereinafter provided, and subject to adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:-

1. This Offer shall be irrevocable by the Purchaser and may be accepted by the Vendor up to but not after the 20th day of October 1987, by a letter mailed or delivered to the Purchaser at c/o Mr. Frank Paletta Barrister & Solicitor, 132 Jackson St. East, Hamilton, Ontario L8N 1L3.
2. In the event that this Offer is not accepted, this Offer and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs.
3. In the event of and upon the acceptance of this Offer, this Offer and the letter of acceptance shall be a binding contract of purchase and sale and shall be completed in accordance with the terms hereof.
4. The title is good and free from all encumbrance, except as to any registered restrictions or covenants.
5. The Purchaser is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Vendor.
6. The Purchaser is to be allowed thirty days from the date of acceptance of such Offer to examine the title at his own expense. If within that time any valid objection to title is made in writing to the Vendor, or its Solicitor, which the Vendor shall be unable or unwilling to remove and which the Purchaser will not waive, the contract arising out of the acceptance of this Offer shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and all monies shall be returned by the Vendor without interest and it shall not be liable for any damages or costs. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the title of the Vendor to the real property.

6.1. The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 20,000 square feet, upon the hereinbefore described land by not later than September 23, 1988

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.

Continued.....1(b)

4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

7. This transaction shall be closed on or before the 23rd day of March 1988
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.
16. It is understood and agreed that the Vendor upon completion of this transaction will pay a Real Estate Commission on the following basis to Fidelity Realty, 3252 Centennial Drive, Burlington, Ontario, L7M 1M9, whose agent, Robert W. Secord acted in this matter.

1st \$100,000.00 of Purchase Price - 5%

2nd \$100,000.00 " " " - 4%

Time shall be of the essence of this Agreement, which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at Hamilton - this 23rd day of September 1987

SIGNED, SEALED AND DELIVERED)

in the presence of

William E. Richard (Seal)
William Pickard
Malcolm Oswald (Seal)
William E. Richard (Seal)

Name of Purchaser's Solicitor Mr. Frank Paletta
132 Jackson St. East
Hamilton, Ontario L8N 1L3

Address of Purchaser's Solicitor
(524-2773)

EMPSTEAD

DRIVE

21

20

35

34

33

19

ROAD

PART 2 PLAN 62R-2609

36

LOT

3

18

17

37

16

38

3

15

39

BARTON

14

40

13

NEBO

41

42

43

PART 1 PLAN 62R-2609

PLAN 62R-2609

LANCING

DRIVE

BLOCK BX
1' WIDE RESERVE

10

9

8

7

5a.

FOR ACTION

FROM L.A.C.A.C. DATE 1987 September 21
TO PLANNING & DEVELOPMENT COMMITTEE Refer To File No. _____
Attention Of _____
Your File No. _____

SUBJECT

St. Clair Heritage District - Registration on Title.

RECOMMENDATION

That the City Solicitor be directed to register By-law 86-125 (Heritage Conservation District designation) on the title of all properties within the St. Clair Heritage District.



L. Peddle, Secretary

BACKGROUND

The Ontario Heritage Act requires that the By-law designating individual buildings be registered on the title of the property. Although the Act does not require that Heritage Conservation District designations be registered on title, it does not preclude the Municipality from registering the designation on the title of each property.

Registration of the designating By-law on title will provide a clear notice to potential purchasers and new owners of properties in the St. Clair Heritage District who may not know that permits are required for demolitions, alterations and additions. If new owners are not aware of these requirements, there may be difficulties with enforcement of the provisions of the Act.

As a result of these concerns, both St. Clair Heritage District Advisory Committee (SCHDAC) members and owners in the St. Clair Heritage District were polled for their opinion of registration on title. Generally, there was a favourable response to registration. All SCHDAC members were in favour, while only one letter of opposition was received from Mary Momotiuk, the owner of 193 Delaware Avenue (see attached).

It should be noted that no other municipality in Ontario registers heritage district designations on the title of affected properties. If the designation is not registered on title, the onus would be on the new owner to find out about the Heritage Conservation District designation. This would be much the same as new owners being responsible for finding out the appropriate zoning for their properties.

Although registration of the designation is not required for Heritage Conservation Districts, the St. Clair Heritage Conservation District should be registered on the title of each property for the following reasons:

- It will provide a clear notice to new owners who may not be aware of the designation and its requirements, particularly as Heritage Districts are relatively new and the St. Clair District is the first in the City.
- Possible problems with the enforcement of the Ontario Heritage Act will be avoided when new owners are unaware of the designation.
- It is supported by SCHDAC members. (Only one owner is opposed to the designation.)
- It is not an additional restriction which would adversely affect the rights of existing owners. All restrictions affecting properties in the St. Clair Heritage District are already in place.

LP/jc

cc: D. Dent, Chairman
V. Abraham
N. Chapple

P5-8-4-5
193 Delaware Ave.
Hamilton, Ontario
L8M1W2

August 14, 1987

Hand Delivered

Mr. Victor Abraham
Director of Local Planning Branch
Planning & Development Dept.
71 Main Street West
Hamilton, Ont. L8N3T4

PLANNING & DEV LOCAL PLAN	
FILE NO.	AUG 17 1987
TO	STAFF IN
DIR.	BA
PP & A	
✓ NEIGH.	B.J. By ✓
DEV.	
CAUD.	
CO-OP	
INT.	
ADMIN.	

Dear Sir:

Re: St. Clair Heritage Registration on Title
Your File No. P5-8-4-5

I am in receipt of a letter from David Godley dated July 22, 1987 regarding The above matter.

Ann Gillespie has informed me that Mr. Godley is away and that I should write to you.

Please be advised that I do not want the designation of "Heritage property" to be registered on the title of my property located at 193 Delaware Avenue. Hamilton.

Yours Truly
Mary Momotink

FOR ACTION

TO Planning and Development Committee

DATE September 23, 1987

FROM Planning and Development Department

Refer to File No. ZA-87-67
RANDALL
NEIGHBOURHOOD

Attention of V. J. Abraham

SUBJECT

Amended application for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for property located on the north side of Stone Church Road East, in the area east of Upper Sherman Avenue, municipally known as No. 763 Stone Church Road East, as shown on the attached map marked as APPENDIX "A". The purpose of the application is to permit development of the subject lands for single-family dwellings.

RECOMMENDATION

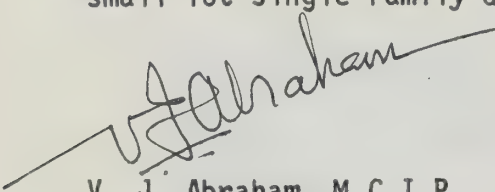
That approval be given to Zoning Application ZA-87-67, The Trustee Board of the Presbyterian Church in Canada, owner, for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for property located on the north side of Stone Church Road East, in the area east of Upper Sherman Avenue, municipally known as No. 763 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

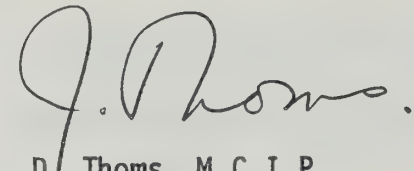
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for property located on the north side of Stone Church Road East in the area east of Upper Sherman Avenue, as shown on the attached map.

The effect of the By-law is to permit development of the subject lands for small lot single-family dwellings.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

The Trustee Board of the Presbyterian Church in Canada, owner.

LOT SIZE AND AREA

- 45.72 m (150.0 ft.) of lot frontage on Stone Church Road East;
- 91.44 m (300.0 ft.) of lot depth; and,
- 4,168.14 m² (44,867.0 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant land	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant lands	"AA" (Agricultural) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	single-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District and "R-4" (Small Lot Single-Family Detached) District
to the west	vacant lands and a church	"AA" (Agricultural) District, "H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use on the approved Randall Neighbourhood Plan, the proposal complies.

BACKGROUND

The site in question was purchased in 1958 by the Trustee Board of the Presbyterian Church in Canada for the purpose of establishing a future church site. However, the property is no longer suitable for the intended purpose and is to be sold for residential purposes.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee staff have no comments or objections to the proposal.
- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains as well as storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Stone Church Road East is 30.48 m (100 ft.). We recommend, as a condition of development approval, that sufficient lands be dedicated to the Region to establish the property line 15.24 m (50 ft.) from the centre line of the original Stone Church Road road allowance.

Any work within the Stone Church Road road allowance as widened, must conform to the Region's Road Use By-law.

According to the Randall Neighbourhood Plan and the draft approved plan of subdivision - City View Estates, the rear of the lands is required for neighbourhood street purposes. We recommend as a condition of development approval, that the applicant and developer of City View Estates finalize negotiations for the required lands for street purposes to the rear to be established and incorporated into the street. Should this not materialize, we recommend that these lands be transferred to title of the City of Hamilton for street purposes.

For the information of the applicant, the partial cost of municipal services may be required at the development approved stage for the proposed street at the rear of the subject lands."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Randall Neighbourhood Plan.

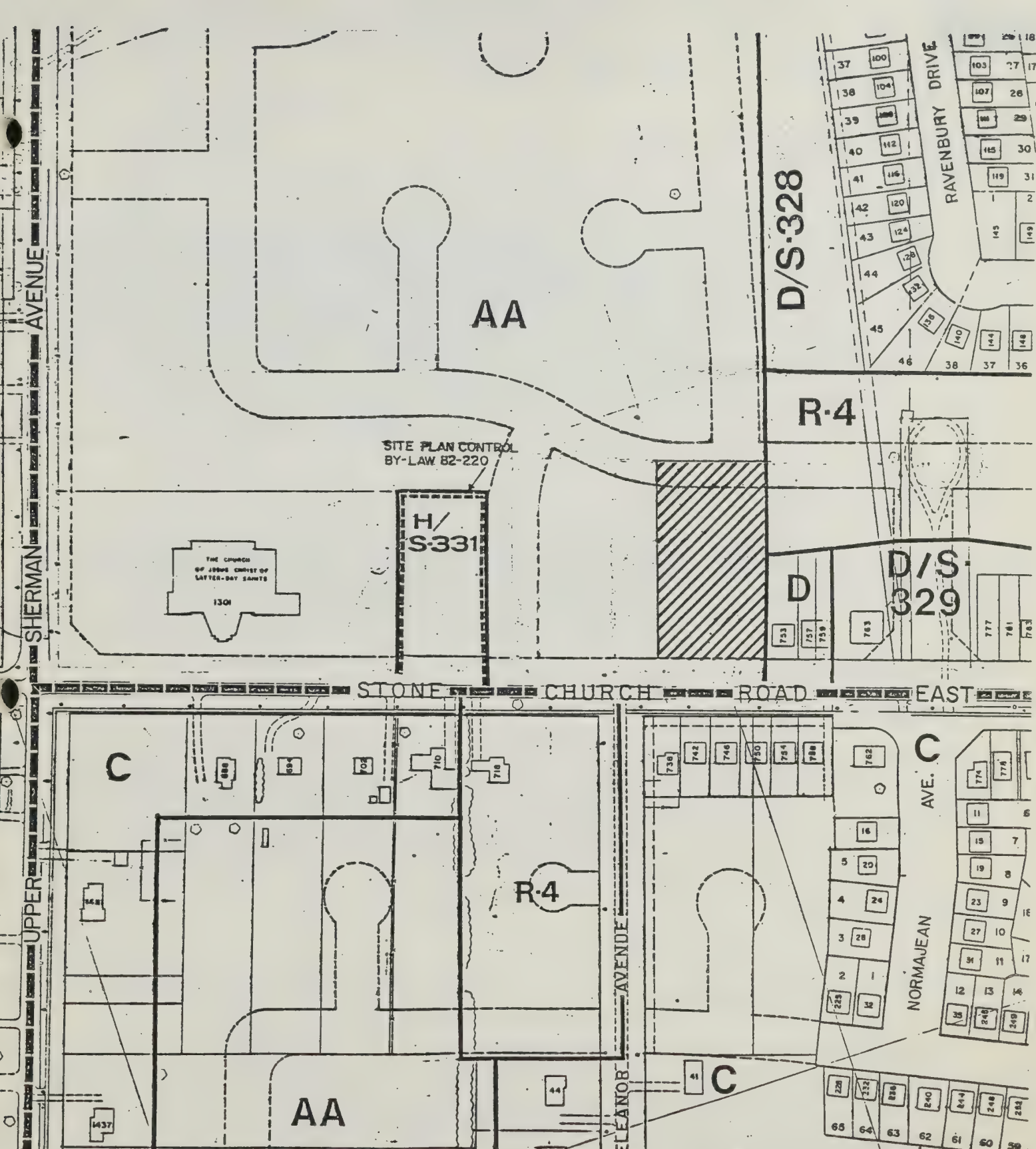
3. The proposal has merit and can be supported because the development of the subject lands as proposed would be in keeping with existing and proposed development in this area, the majority of which is for single-family dwelling, small lot single-family dwellings, and two-family dwellings.
4. Development of the subject lands for small lot single-family dwellings would be subject to either submission of a draft plan of subdivision, or land severance applications through the Regional Land Division Committee. In this regard, matters related to road widenings and dedication of the neighbourhood collector road at the rear of the property, as outlined in the Regional Engineering Department's comments, can be finalized under the subdivision or land severance application process.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/jd

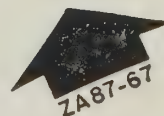
WP DOC 0640P



LEGEND



SITE OF APPLICATION



SEP 16 1987

Sept 5, 1987

Copy sent to: Mr. V. Abraham,
Planning
1987 Sept 21

L. Gaudin
6 Rite Pl, Boylston,
Sta F. Hamilton
Ord. L9C-552
(416) 575-5684

Secretary
Planning & Development Committee
City Hall
71 Main St. W., Hamilton, Ont L8N 3T4

ZAG7-67

To Whom it may concern:

I am writing in regard to the proposed playground to be built on Upper Hays between Stoner Church & 53 highway (Rymal Rd) on the west side. Attached is the notice "opposed" I, and the entire neighborhood oppose the building of this playground as planned. Land purchased, South west from proposed site to Rymal Rd was purchased at a very high price and there are no homes built that are not now worth \$1,69,000 to \$230,000.00. The building of this playground and the fact the Bd of Ed has now put their 11 acres behind the lots west of Luptwood on the market is degrading the entire area for many reasons. Town houses are almost completely around us (based to income) that were not the plan at all in the Spring of 1986 when most lots were purchased. This area has de-valued our property and is totally unfair due

to the fact we have a situation where in 95% of the homes ^{poth} parents are willing to pay for homes in a respectable area for their children. If we wanted to live in a rough area or a high crime area we would have purchased in a place area somewhere on the mountain where homes are cheaper, due to the surroundings and these conditions are pre-existing.

First we were told Bd of Ed was to assess the residential area in three years and consider building a school. Then less than 1 year later they put ^{the} taxes on the market, which obviously means they had absolutely no intention of doing any such assessment, and I might add, and they were given by the land developer in the first place. The site for your proposed plaza was originally intended for a small plaza with 3 stores. That statement came straight from City Hall in 1986.

There are several ~~problem~~ problems other than listed above, that obviously, no consideration was ever given to. Possibly the whole issue is political to see what MP or MPP will take a stand!

Some issues of concern:

#1 - ^{Park} ~~up~~ directly west of plaza (planned) for children to play in, with an easement running off of Eaglewood for their safety, yet you intend to run a street from the plaza directly on to Eaglewood north of the easement where children could have safely gained access to, that now would be a definite, serious threat to their safety.

#2 The new street will direct an amount of traffic that is ridiculous, on to Eaglewood where homes are approximately 20' feet back, with small children playing. This couldn't be considered even safe.

#3 Two small courts west of Eaglewood where parking is limited to 3 or 4 cars would be blocked, especially with 9:00, 5 or 6 day store closing (Bret's & L'wined).

#4 Guess at peak times from Sierra would be impossible due to traffic on to Upper Sage.

- 5

With all the townhouses at 53 highway
& Upper Sage there would be accidents and
literally no chance of reasonable access.

#6

Crime rates, kids hanging around and
vandalism would be uncontrollable, within a
very short period of time.

I am sure there are additional problems that can't be foreseen by the repeat citizen.
It's very difficult to put any faith in City Hall or
our region when it appears, that land development
and permit payments from builders, comes before
honesty. Survey supposedly (single family home
areas) are advertised and approved by city hall
only long enough to get them built and bought
so taxes start rolling in, and then all the
plans are changed to increase regional revenue at
the "People's" expense. I and many others think
it's time that all these "wonderful plans" to open
up an area and build commercial properties around
homes, were on the board prior to home
purchases. This would mean lower taxes and

Recent prices home for those who want to live
with the problems I've outlined that will
definitely result because a shopping plaza,
and heavens knows what next.
A Plaza lot on Highway 53 & Upper Sage with sign "for summer & 7
occupancy" is vacant, yet you intend to build another.
This entire area fully intends to obtain a
lawyer if need be, to fight for what was
supposed to be done with this area, to protect
our family and our investments.

We definitely request notice of any hearings
that are held regarding this issue. It is
requested, although probably will not be considered
that our officials hold these meetings at a time
when the working parents can attend. The majority
of issues we are invited to represent ourselves are
held and dealt with at times, when we can't
be there. I suppose this works to someone's advantage
but certainly not ours. It's time City Hall helped
the regular citizen and put the financial aspect aside.

Respectfully Yours
H. J. Reddick

7.

FOR ACTION

TO Planning and Development Committee

DATE September 18, 1987

FROM Planning and Development Department

Refer to File No. ZA-87-78
HUNTINGTON
NEIGHBOURHOOD

Refer to V. J. Abraham

SUBJECT

Request for a modification to the "B" (Suburban Agriculture and Residential, etc.) District regulations for the property located at No. 538 Mountain Brow Boulevard. The purpose of the proposed modification is to permit the height of the existing accessory structure (garage) to be maintained at 4.8 m (15.7 ft.) instead of the required 4 m (13.12 ft.)

RECOMMENDATION

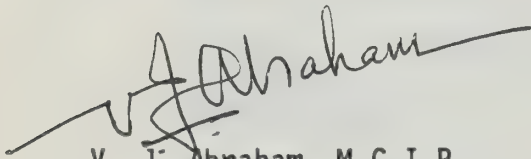
That approval be given to Zoning Application ZA-87-78, Ivan Mikulic, owner requesting a modification to the "B" (Suburban Agriculture and Residential, etc.) District regulations, to permit the height of the existing accessory structure (garage) to be maintained at 4.8 m (15.7 ft.) instead of the required 4 m (13.12 ft.), for the property located at No. 538 Mountain Brow Boulevard, as shown on the attached map marked as APPENDIX "A", on the following basis:

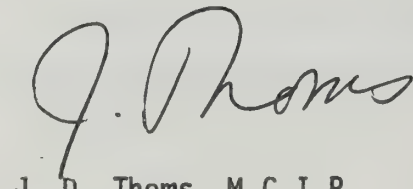
- i) That notwithstanding Section 18(4)(iii), the height of the existing garage shall not exceed 4.8 m.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Scheduled S- , and that the subject lands on Zoning District Map E-68 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-68;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "B" (Suburban Agriculture and Residential, etc.) District regulations, for the property located at No. 538 Mountain Brow Boulevard, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the height of the existing garage to be maintained at 4.8 m (15.7 ft.) instead of the required 4.0 m (13.12 ft.).


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ivan Mikulic, owner

LOT SIZE AND AREA

- o 30.48 (100 ft.) of lot frontage;
- o 59.13 (194 ft.) of lot depth;
- o 1802.26 m² (19,400 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
<u>Surrounding Lands</u>		
to the north and south	Single family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
to the east	Niagara Escarpment, C.N.R. Railway Line	"A" (Conservation, Open Space, Park and Recreation District
to the west	single family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A".

In addition, the subject lands are located within Special Policy Area 1b - Niagara Escarpment. Development is permitted provided it has a minimal impact on the escarpment.

Based on the above, the proposal complies with the Official Plan.

NEIGHBOURHOOD

There is no approved plan for the Huntington Neighbourhood.

BACKGROUND

The existing accessory structure is a 2 car garage used to store a boat and a pickup truck, amongst other things. Such an accessory structure was built because the 1 car garage attached to the house is used for storage of household goods and a car in the winter.

The 2 car garage is 80.2 m² (863.19 sq.ft.) in size with a height of 4.79 m (15.7 ft.) instead of the permitted 4.0 m (13.12 ft.). The height of the structure does not exceed the height of the house (5.03 m) on the site.

In July 1985, the Building Department issued an Order to Comply with respect to the height contravention. In August 1985, the applicant applied to the Committee of Adjustment to permit the accessory structure to exceed the height limit. The Committee denied the application and it was subsequently appealed to the OMB. The OMB also denied the application based on the premise that the structure is out of character with the neighbourhood due to its size and height. As a result, in April 1987, the applicant was fined in By-law Court for contravening the Zoning By-Law.

In July 1987, the applicant applied for a modification to the Zoning By-law.

COMMENTS RECEIVED

- o The Building Department, Hamilton Region Conservation Authority, Hamilton-Wentworth Engineering Department and Traffic Department have no comments or objections.

COMMENTS

- 1) The proposal complies with the Official Plan.
- 2) There is no approved plan for the Huntington Neighbourhood.
- 3) The proposal can be supported for the following reasons:
 - a) It has a minimal visual impact on the surrounding neighbours since it is well screened from the adjacent properties with tall mature evergreens along the rear property line; high shrubs and 5 ft., chain link on the north property line, and fruit trees, high grape vines and a 5 ft. chain link fence on the south side.
 - b) It meets the by-law requirements in all respects except for the height. The actual structure occupies only 7% of the rear yard. The rear yard is large approximately 1077.6 m² (1/4 ac.). In addition, the side yard requirement is 0.45 m whereas the garage is 0.9 m away from the side yard (north lot line).

- c) It does not have any impact on the existing streetscape or the character of the neighbourhood because it is located in the rear yard, hidden partly by the house and adequately buffered from adjacent properties;
- d) The height of the accessory structure (4.8 m) does not exceed the height of the house.
- e) The garage is an attractive brick structure with lacquered wooden doors and aluminium siding for the roof peak. The building materials used for the garage are the same as the materials (brick) used for the house.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH/jd .

WP DOC 0636P



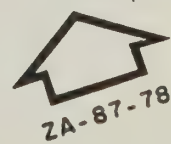
LEGEND



SITE OF THE APPLICATION



location of garage



APPENDIX A

8.

F O R A C T I O N

FROM Planning and Development Department

DATE September 15, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-82

STINSON
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property at No.'s 60-62 West Avenue South as shown on the attached map. The purpose of the proposed modification is to:

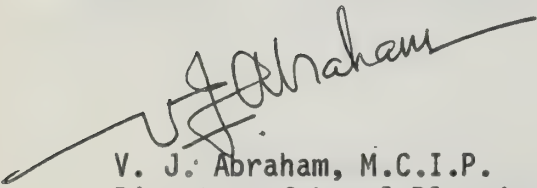
- permit the accommodation of 20 residents in the existing residential care facility, instead of the permitted 15 residents;
- delete the requirement that residents must be at least 60 years of age; and,
- delete the three additional required parking spaces.

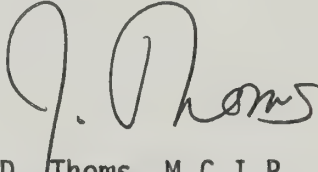
RECOMMENDATION

That Zoning Application 87-82, Gwynette Seymour and Frederick Seymour, owners, requesting a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit expansion of an existing residential care facility be denied for the following reasons:

1. Approval of the application to permit a further increase in the capacity of the established residential care facility from the permitted 15 residents to 20 residents represents an over-intensification of use and would set an undesirable precedent for future similar applications to increase the number of residents in other established residential care facilities in this area.
2. On February 20, 1986 the Committee of Adjustment denied a minor variance application A-86-28 to increase the capacity of the subject residential care facility from the permitted 15 residents to 17 residents without providing the required 5 off-street parking spaces. The present proposal for 20 residents represents an overintensification of land use.
3. The Hamilton-Wentworth Department of Social Services have advised that there are approximately 100 empty beds in the City's second level lodging home system at the present time and thus there is no demonstrated need.

4. The requested removal of the by-law provision which limits the residents to 60 years of age cannot be supported. This facility has been granted a series of by-law amendments and variances based on the stipulation that it be limited to senior citizens.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANTS

Gwynette Seymour and Frederick Seymour, owners.

LOT SIZE AND AREA

- 9.46 m (31.0 ft.) of lot frontage on West Avenue South;
- a lot depth of 37.0 m (121.0 ft.); and,
- 422.28 m² (4,545.5 sq. ft.).

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>SUBJECT LANDS</u>	3-storey - 20 room brick dwelling used as a residential care facility for the accommodation of 15 residents.	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to permit a residential care facility.
<u>SURROUNDING LANDS</u>		
To the north	Mix residential uses including residential care facilities, and the Claremount Access	"A" (Conservation Open Space, Park and Recreation) District and "E" (Multiple Dwellings Lodges, Clubs, etc.) District
To the south and west	One and two-family dwellings,	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

To the east

Central Memorial
Recreation Centre

"A" (Conservation Open Space,
Park and Recreation) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Medium Density Apartments" on the approved Stinson Neighbourhood Plan, the proposal complies.

BACKGROUND

The following is a brief history of the property:

1. Prior to March 10, 1980, the property was utilized as a private residence. An application was received from the previous owner to establish an ordinary lodging house licence for up to 13 lodgers which was approved on March 10, 1980.

2. Committee of Adjustment Application A-80-83

On April 8, 1980, this same owner applied to the Committee of Adjustment to increase the number of lodgers from 13 to 20, without providing the required 11 parking spaces.

On April 29, 1980, the Committee of Adjustment denied the application and no appeal was launched against the decision.

3. Zoning Application ZA-82-15

On April 15, 1982, the same owner applied for a modification to the "E" District provisions to permit a residential care facility with a capacity of up to 20 senior citizen residents.

A public meeting was scheduled for June 9, 1982, to discuss the application, however, prior to the meeting the applicant decided to withdraw his application. No public meeting was held.

4. Zoning Application ZA-82-30

On July 12, 1983 the current applicants requested a modification to the established "E" District provisions to permit a residential care facility with 20 residents to be established on the subject lands. The applicants specified that the facility may possibly be used to accommodate "Retarded Children or Psychiatric Patients", however, the specific use and capacity was not known at the time.

Subsequently, the applicants amended their application and requested a modification to the "E" District provisions to permit a residential care facility with a capacity of 12 senior citizens to be established.

The Planning and Development Committee supported the application and subsequently City Council adopted the Planning Committee's recommendation.

5. Committee of Adjustment Application A-84-84

The applicants made another application to further increase the number of residents from 12 persons to 16 persons and to provide for only 4 parking spaces instead of the required 6 parking spaces.

At its meeting held on June 5, 1984 the Committee of Adjustment denied this application.

6. Committee of Adjustment Application A-84-141

The applicants made another application to increase the number of residents from 12 persons to 15 persons and to provide for only 4 parking spaces instead of the required 5 parking spaces.

The Committee of Adjustment approved the increase in occupancy and reduced parking requirement.

7. Committee of Adjustment Application A-86-28

This application was the fourth application submitted to establish an increase in occupancy within the existing structure. It proposed to increase the number of persons within the residential care facility from 15 residents to 17 residents while only providing a total of 4 parking spaces instead of the minimum required 5 parking spaces.

The Committee of Adjustment denied the application for the following reasons:

"The Committee having regard to the past history of relief granted for the property is of the opinion that to grant the requested relief would result in an over-intensification of use of the lands of detriment to the surrounding neighbourhood which neighbourhood presently has several other residential care facilities.

The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983.

Planning Department's Comments
submitted in connection with the
minor variance application

The Planning Department comments prepared in connection with minor variance application A-86-28 advised in part that:

"the by-law states that parking should be provided on the basis of 1 parking space per 3 persons who may be lawfully accommodated. Thus the parking variance has increased, thereby requiring a minimum of six parking spaces, not 5 parking spaces as stated in the notice of hearing.

Bearing in mind that there are 4 other residential care facilities located within 600' of this facility, an approval of the variances would set an undesirable precedent for future similar such applications to increase the number of residents.

Therefore, it is recommended that the application be denied."

COMMENTS RECEIVED

- The Building Department has advised that:

"The present zoning E/S-810 amended by Committee of Adjustment application A-84-141 permitted a residential care facility for 15 residents of at least 60 years of age and only 4 off-street parking spaces to be provided on the land. 20 residents in a residential care facility requires 7 parking spaces."

- The Traffic Department has advised that:

"The application to permit an increase in residents from 15 to 20 persons without the required parking represents an overintensification of the subject lands and cannot be supported.

The on-street parking on this section of West Avenue is presently regulated under the permit parking policy which allows only the residents of West Avenue to park on the street. The implementation of the permit parking was the result of numerous complains and petitions from the residents regarding the overflow parking from the City owned and operated recreation facility on the east side of West Avenue."

- The Hamilton-Wentworth Engineering Department has advised that:

"public watermains as well as combined storm and sanitary sewers are available to service the subject lands.

According to Survey Plan P-816A, the existing veranda at 60/62 West Avenue South encroaches into the Hunter Street East road allowance. We recommend that the applicant enter into encroachment agreement(s) with the City of Hamilton for this verandah and step encroachment.

For the information of the applicant:

- we do not anticipate any further road allowance widenings at this time;
- according to our records, the alley adjacent to the subject lands is public unassumed."

- The Region of Hamilton-Wentworth Department of Social Services has advised as follows:

"I have no particular comment to make about this home. I would like to point out, however, that there are approximately 100 empty beds in the City's second-level lodging home system at the present time. Heavy competition for residents among homes could reduce the level of service provided over-all, as some operators find it difficult to meet expenses and make a profit unless their occupancy rates are very high. Adding more beds to the system, consequently, may not be a good idea.

In addition to the above, the second level lodging home licensing by-laws is currently being revised by a Task Force headed by Alderman David Christopherson. It is anticipated that many changes will be introduced. The revised by-law could be approved before the end of the year; meanwhile, a temporary "freeze" on expansions might be considered by City Committees and City Council."

- The Hamilton Region Conservation Authority, City Licensing Department and the Local Architectural Conservation Advisory Committee staff have no comments or objections.

COMMENTS

1. The proposal would not conflict with the intent of the Official Plan or the approved Stinson Neighbourhood Plan.
2. The proposal to permit a further increase in the capacity of the established residential care facility cannot be supported for the following reasons:
 - Under the "E" District provisions, a residential care facility for the accommodation of up to 20 residents is permitted provided that it is situated on a lot having a minimum radial separation distance of 180.0 m (590 ft.) from the lot line to the lot line of any other lot occupied or as may be occupied or as may be occupied by a residential care facility or short term care facility. In this case, the residential care facility is located within 180.0 m (590 ft.) of six other residential care facilities, one of which is located within 70 m (230 ft.) of the site in question. Over concentration of such uses in one area has the effect of ghettoizing such facilities and in so doing, would change the character of the surrounding neighbourhood.

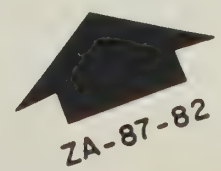
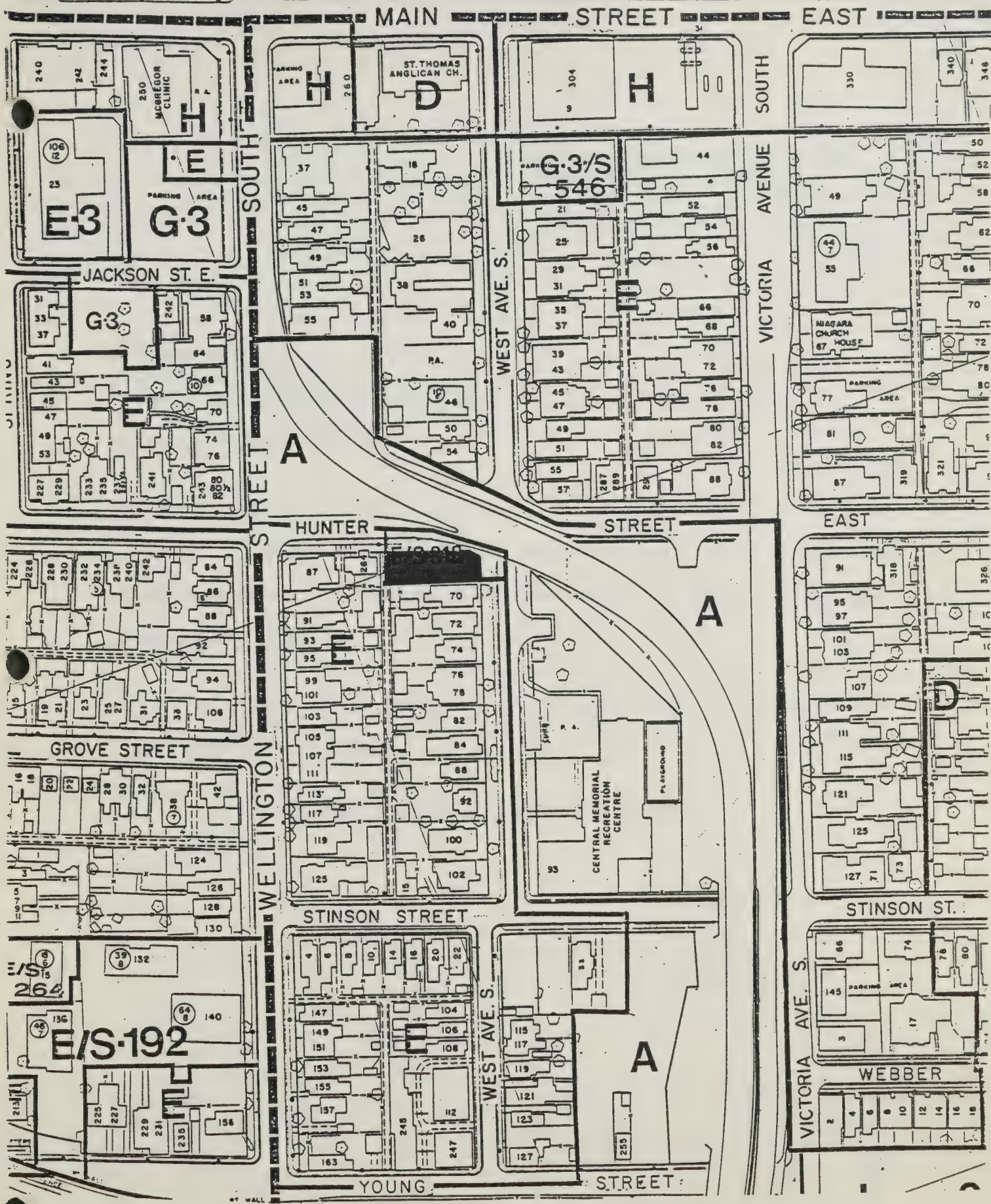
- The site in question has been the subject of two previous zoning applications and four Committee of Adjustment applications involving establishing and expanding the residential care facility. The latest Committee of Adjustment Application A-86-28 to permit an increase in the number of residents from 15 as permitted to 17 without providing a required additional parking space was recommended for denial by the Planning and Development Department. The Committee of Adjustment denied the application and no appeal was lodged by the applicants with respect to the Committee of Adjustment decision. The current proposal to expand the residential care facility from the permitted 15 residents to 20 residents represents a further intensification of the use which cannot be justified because the applicant cannot provide 3 required additional on-site parking spaces, and as such approval would set an undesirable precedent for future similar applications for relief from on-site parking and to increase the capacity of other residential care facilities in this area.
- Removal of the by-law provision limiting the occupancy of the residential care facility to residents of at least 60 years of age would be contrary to the intent of the previous zoning application (ZA-82-30) which was to accommodate senior citizens. Removal of the age limitation would in effect allow younger residents who in fact may drive cars, and generate a need for more parking spaces.
- Regarding parking the Traffic Department has advised that the proposal represents an overintensification of the subject lands and cannot be supported.
- Off-site parking on the applicants other site located at No. 72 West Avenue South or on City Recreation Centre lands cannot be guaranteed and is contrary to the policy of City Council as expressed in Zoning By-law No. 6593 requiring on-site parking.
- The Department of Social Services have advised that there is an oversupply of beds in the City's second level lodging home system at the present time. Heavy competition for residents among homes could reduce the level of service provided unless their occupancy rates are very high. Adding more beds to the system, consequently may not be a good idea.

CONCLUSION

On the basis of the foregoing, it is recommended that the application be denied.

G.A.W.:nd

W.P. DOC. 0644P



SEP 21 1987

40 West Avenue South Apt. 204
Hamilton, Ontario L8N 2S1

September 21, 1987

The Corporation of the
City of Hamilton,
Planning and Development Committee
City Hall,
Hamilton, Ontario L8N 3T4

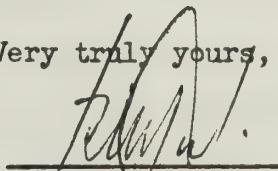
Mr. Secretario :

Please allow me to tell you that people at the senility on, require of absolute peacefulness in their last years of life. To go against that, is violate their human rights.

I think is preferable to give more life to the years, than more years of martyrdom to the life.

For this opportunity, thank you so much.

Very truly yours,


Raul L. Alfaro

copy/file
rla./.

Copy sent to: M. Valdivia, Planning
1987 Sept 21

PROPOSED CHANGE -MODIFICATION TO THE E DISTRICT REGULATIONS

PROPERTY DESCRIPTION - NOS 60-62 WEST AVENUE SOUTH

I AM IN FAVOUR OF ()


OPPOSED TO (✓) (PLEASE CHECK (V) WHICH)

THIS PROPOSED CHANGE

.....
ALFARO RAUL OR OCCUPANT
ALFARO MARIA
40 WEST AVE S APT 204
HAMILTON ONT

LBN 2S1

.....
FILE-ZAG7-82 SEQ-00351



.....SIGNED

PLEASE DIRECT INQUIRIES TO
PLANNING DEPT 526-4445

9.

F O R A C T I O N

FROM Planning and Development Department

DATE September 11, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-87
STRATHCONA
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "D" (Urban Protected Residential One and Two Family Dwellings, townhouses, etc.) District regulations for property at No. 137 Queen Street North as shown on the attached map.

The purpose of the proposed modification is to permit a hairdressing business, operated as a home occupation by one person (the applicant) from within the existing dwelling.

RECOMMENDATION

That approval be given to Zoning Application 87-87 My Linh Nguyen, owner, requesting a modification to the established "D" (Urban Protected Residential One and Two Family Dwellings, Townhouses, etc.) District, to permit a hairdressing business as a "Home Occupation" use within a portion of a dwelling located at No. 137 Queen Street North as shown on the attached plan marked as APPENDIX "A" on the following basis:

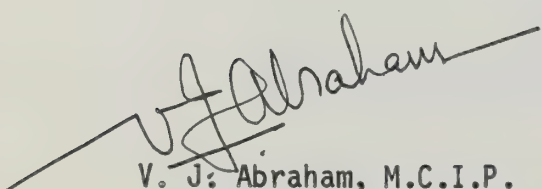
1. That the "D" (Urban Protected Residential - One and Two Family, Townhouses, etc.) District regulations as contained in Section 10 of By-Law No. 6593, applicable to the subject property be modified to include the following as special requirements:
 - a) That notwithstanding the provisions of Section 2.(2)(H)(iii)(f) and (h) of By-Law No. 6593, hairdressing shall be permitted as a home occupation:
 - i) carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,
 - ii) providing for not more than one comb-out centre and one hair styling sink.

2. That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject land on Zoning District Map W-11 be notated S- ;
3. That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map W-11; and,
4. That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

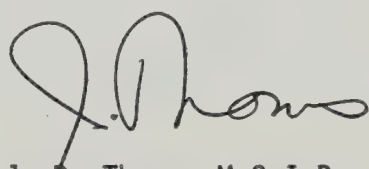
EXPLANATORY NOTE

The purpose of the By-Law is to provide for a modification to the established "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District regulations applicable to property located at No. 137 Queen Street North, as shown on the attached plan marked as APPENDIX "A".

The effect of the By-Law is to permit a hairdressing business, operated as a home occupation for one hairdresser only. In addition, the By-Law limits the hairdressing business to one comb-out centre and one hair styling sink.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

My Linh Nguyen, owner.

LOT SIZE AND AREA

- 7.32 m (24.0 ft.) of lot width on Queen Street North;
- 27.43 m (90.0 ft.) of lot depth; and,
- 200.66 m² (2,160 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>SUBJECT LANDS</u>	Single-family dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
<u>SURROUNDING LANDS</u>		
To the north	Single-family dwellings vacant lands and two apartment towers	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District "A" (Conservation Open Space, Park and Recreation) District and "E-3" (High Density Multiple Dwellings) District
To the south	Single-family dwellings and an office building	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District and "H" (Community Shopping and Commercial, etc.) District
To the east	Single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings Townhouses, etc.) District
To the west	Park lands	"A" (Conservation, Open Space, Park and Recreation) District

OFFICIAL PLAN

Designated "Residential", on Schedule A Land Use Concept Plan.

Policy A.2.1.4 permits "Home Occupations" in residentially designated areas provided:

- i) A Home Occupation will be carried on within a dwelling unit only by an owner occupying the dwelling;
- ii) A Home Occupation will occupy only a limited floor area of the dwelling; and
- iii) The Home Occupation will not detract from the RESIDENTIAL character of the area.

On the basis of the foregoing, the proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Single, Double and Attached" residential use on the approved Strathcona Neighbourhood Plan, the proposal complies.

BACKGROUND

- By-Law 81-20

On January 13, 1981, City Council approved By-Law No. 81-20, which was approved by the Ontario Municipal Board on April 10, 1981. the effect of the By-Law was to prohibit, among other uses, hairdressing and barbering as a "Home Occupation" use.

- Current Proposal

The applicant has advised that the business will be located in a portion of the basement of the existing dwelling and will be run by herself. Off-street parking is available by way of a front yard parking agreement with the City for only one vehicle.

COMMENTS RECEIVED

- The Building Department has advised that:

"the proposed use is contrary to Sections 3(3)(i) and 2(2)H.(iii) of By-Law No. 6593.

- The Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised in part as follows:

"The designated road allowance width of Queen Street is 26.21 m (86 ft.). In conjunction with this designation, Survey Plan P754(A) was prepared outlining specific lands required for road widening purposes. The applicant should be advised of this future road allowance widening.

According to the aforementioned Survey Plan the existing steps encroach into the present Queen Street road allowance. We recommend as a condition of approval, that the applicant enter into an encroachment agreement with the Region for these steps. Alternatively, the applicant could have the steps removed."

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal would not conflict with the intent of the approved Strathcona Neighbourhood Plan.
3. Subsequent to the passing of By-Law No. 81-20 (see background) the Planning and Development Committee and City Council have approved a number of similar zoning applications to establish "hairdressers" or "barbers" as "Home Occupation" uses, with limitations on the size of the operation, e.g. limited to one styling sink, one comb-out centre.

It appears that these restrictions have effectively mitigated the problems previously associated with "hairstressing" or "barbering" as a "Home Occupation" in that no complaints have been received by the Building, Health or Traffic Departments, respecting the newly established operations.

4. Taking into consideration the foregoing and the fact that:
 1. the business is only part time in nature and is primarily related to the walk-in trade from area residents;
 2. the proposal should not adversely affect the demand for on-street parking in this area; and that,
 3. the business will not alter the residential character of the existing dwelling;

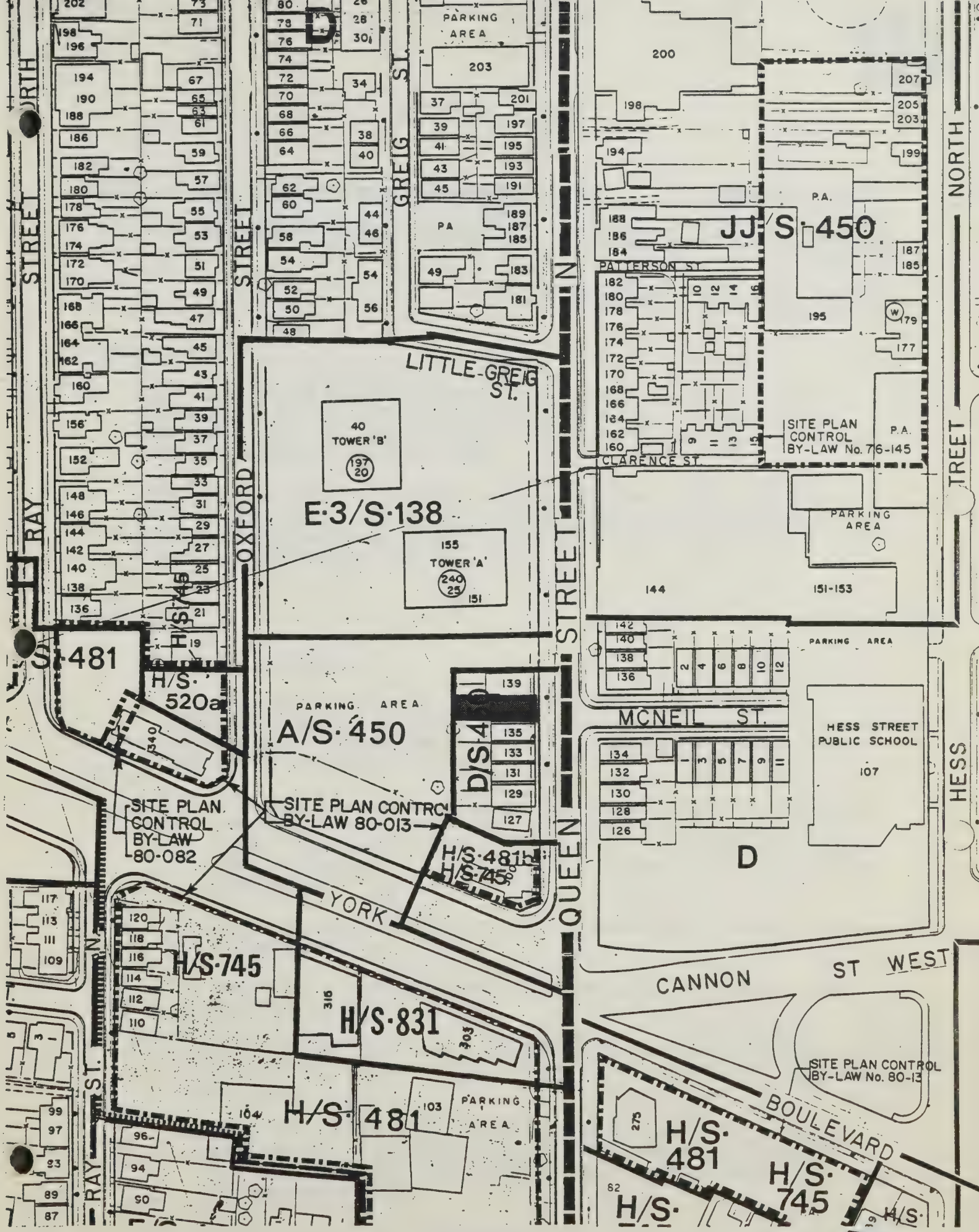
the proposal merits consideration providing the operation is limited to one comb-out centre and sink, with one hairdresser who resides on the premises.

CONCLUSION

On the basis of the foregoing, the application can be supported.

G.A.W.:nd

W.P. DOC. 0648P



LEGEND

SITE OF THE APPLICATION

F O R A C T I O N

FROM: Planning and Development Department

DATE: September 14, 1987

T0: Planning and Development Committee

Refer to File Nos. SA-87-15

ZA-87-73

Attention

V. J. Abraham

SUBJECTS

1. Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-87020, City of Hamilton File No. SA-87-15, to establish 13 lots for "zero lot line" single-family dwellings and 2 blocks for development with abutting lands.
2. Application to the City of Hamilton for approval of a rezoning, File No. ZA-87-73, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and "R4" (Small Lot Single-Family Detached) District.

RECOMMENDATION

1. Subdivision Application

- a) That approval be given for Application SA-87-15, Vincent P. Di Bernardo, owner, to establish a draft plan of subdivision on the west side of Upper Sherman Avenue and on the south side of Ruby Street, subject to the following conditions:
1. That this approval apply to the plan prepared by A. J. Clarke and Associates dated June 8, 1987, showing 13 lots, 2 blocks and street widenings, revised to delete the street widening for Upper Sherman Avenue and to show the street widening for future Rushdale Drive as Block 16.
 2. That the road widening (Block 16) be dedicated as a public highway on the final plan.
 3. That the final plan conform to the Zoning By-law approved under the Planning Act.
 4. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 5. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority, including a 9.0 m. easement for sewers over part of Lots 8-12 inclusive to the Regional Municipality.

6. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.
 7. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 8. That the Final Plan for Lots 9 to 13 inclusive and Blocks "14", "15" and "16" not be approved prior to Registration of "High Ridge Estates - Phase 3" (under Regional file No. 25T-86022).
 9. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-15), Vincent P. Di Bernardo, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2. Zoning Application

That approval be given to Zoning Application ZA-87-73, Vince P. Di Bernardo, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single-Family Detached) District, for property located at No. 1324 Upper Sherman Avenue, as shown on the attached map marked APPENDIX "A", on the following basis:

- i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the lands described as Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

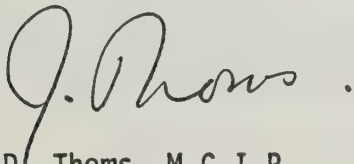
EXPLANATORY NOTE

The purpose of the By-law is to provide for the following changes in zoning with regard to property located at No. 1324 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A" on the following basis:

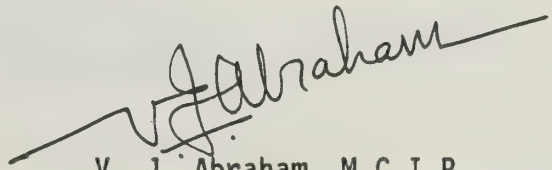
Block "1" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

Block "2" - Change from "AA" (Agricultural) district to "R-4" (Small Lot Single-Family Detached) District.

The effect of the By-law is to permit development of Block "1" for single-family dwellings, and development of Block "2" for small lot, single-family dwellings.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning Branch

BACKGROUND

Owner

Vincent P. Di Bernardo, Hamilton, Ontario

Surveyor

A. J. Clarke and Associates, Hamilton, Ontario

Location

The lands, comprising 0.567 ha., are located on the west side of Upper Sherman Avenue and on the south side of Ruby Street in the Rushdale Neighbourhood, being part of Lot 9, Concession 7, Township of Barton, now in the City of Hamilton.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
to the north	Single-family dwellings being developed	"C" (Urban Protected Residential, etc.) District
to the south	Single-family dwellings on large lots	"AA" (Agricultural) District
to the east	Across Upper Sherman Avenue, vacant lands of a proposed draft plan of subdivision	"AA" (Agricultural) District
to the west	Vacant lands of a draft approved subdivision	"C" (Urban Protected Residential, etc.) District

PROPOSAL

The owner proposes to subdivide the lands into 13 lots for "zero lot line" single-family dwellings, 2 blocks for development with abutting lands for single-family dwellings and 2 blocks for street widenings. The lots would be serviced from Ruby Street and from a new street to be established by an adjacent plan of subdivision. The minimum lot size proposed would have a width of 10.0 m. and an area of 304.8 m².

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - single and double" and "Utilities" (sewer easement). The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned "AA" (Agricultural) District which does not permit development as proposed, therefore, an amendment to the Zoning By-law to rezone the lands to appropriate residential categories is required.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of Citizenship and Culture
Niagara Escarpment Commission
Hamilton Region Conservation Authority
City of Hamilton Board of Education
City of Hamilton Traffic Department
City of Hamilton Building Department (subject to rezoning)
Ontario Hydro, Union Gas, Bell Telephone.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations

- " (1) Lots 1 to 9 (inclusive) can be serviced to existing sewers and watermains on Ruby Street.
- (2) Lots 10 to 13 (inclusive) and Blocks 14 and 15 are to be serviced to the future sewers and watermains on Rushdale Drive.
- (3) The Final Survey Plan for "High Ridge Estates - Stage 3" (25T-86022) is to be registered prior to the release of the Final Survey Plan for Lots 9 to 13 (inclusive) and Blocks 14 and 15.
- (4) The 0.3 metre reserves on Ruby Street and the proposed Rushdale Drive adjacent to these lands are to be incorporated into the respective road allowances in conjunction with the registration of the Final Survey Plan of Subdivision.
- (5) A sewer easement is required over the rear portions of Lots 9 to 12 (inclusive) and the westerly flankage of Lot 8, as shown in red on the attached plan.
- (6) The proposed street widening on Upper Sherman Avenue, adjacent to Lot 1, has previously been acquired and was incorporated into the road allowance by By-law No. 10479, which was registered as Instrument No. 282206 H.L. The proposed draft plan should be amended accordingly. No additional widenings are required on Upper Sherman Avenue.
- (7) The proposed road widening on Rushdale Drive, adjacent to Lots 12 and 13, is to be identified as a Block on the Final Survey Plan and dedicated to the City as part of the Rushdale Drive road allowance.

- (8) In our review of this draft plan, we note that Lots 1 to 13 (inclusive) appear to be designated as "zero lot line" style lots which would be in an R4 zoning district when finalized. The owner should be reminded of the maintenance easement requirements and be advised that these easements will be covered under the City Subdivision Agreements.
- (9) The owner is to be advised that access to Lot 1 will only be permitted from Ruby Street.
- (10) The Developer is to enter into subdivision agreements with the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of the subject lands.
- (11) The submitted plan, as prepared by A. J. Clarke O.L.S. and dated June 8, 1987 is satisfactory to the Departments of Engineering and Transportation, subject to the above-referenced comments and recommendations."

2. Zoning Application

The following have advised that they have no comment or objection:

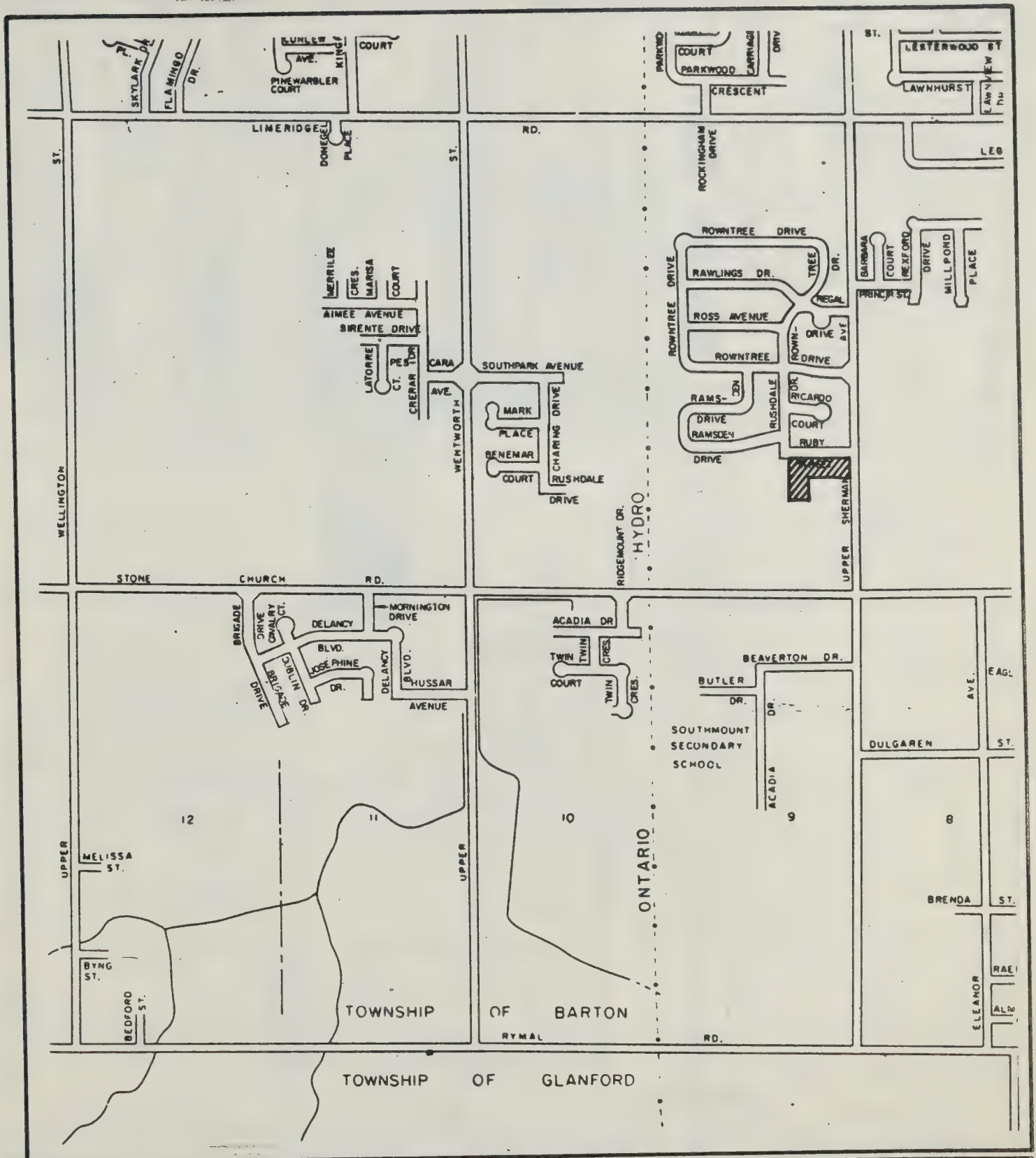
City of Hamilton Building Department
City of Hamilton Traffic Department
Hamilton Region Conservation Authority.

The Hamilton-Wentworth Department of Engineering has submitted the following comments:

"Please be advised that public watermains as well as storm and sanitary sewers are available, subject to subdivision agreements with the City of Hamilton and the Region of Hamilton-Wentworth."

COMMENTS

- 1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and proposed amendments to the Zoning By-law to implement the Plan.
- 2. The conformity of the proposal with the Official Plan and Neighbourhood Plan, and the need for an amendment to the Zoning By-law is noted.
- 3. As no part of the subject lands is designated for park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
- 4. As the widening for Upper Sherman Avenue has now been acquired by the Region it should be deleted from the draft plan and the widening for proposed Rushdale Drive, i.e. the segment of the street bulb, should be shown as a block to be dedicated as public highway.

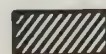


Location Plan For

RUSHDALE MANOR

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North

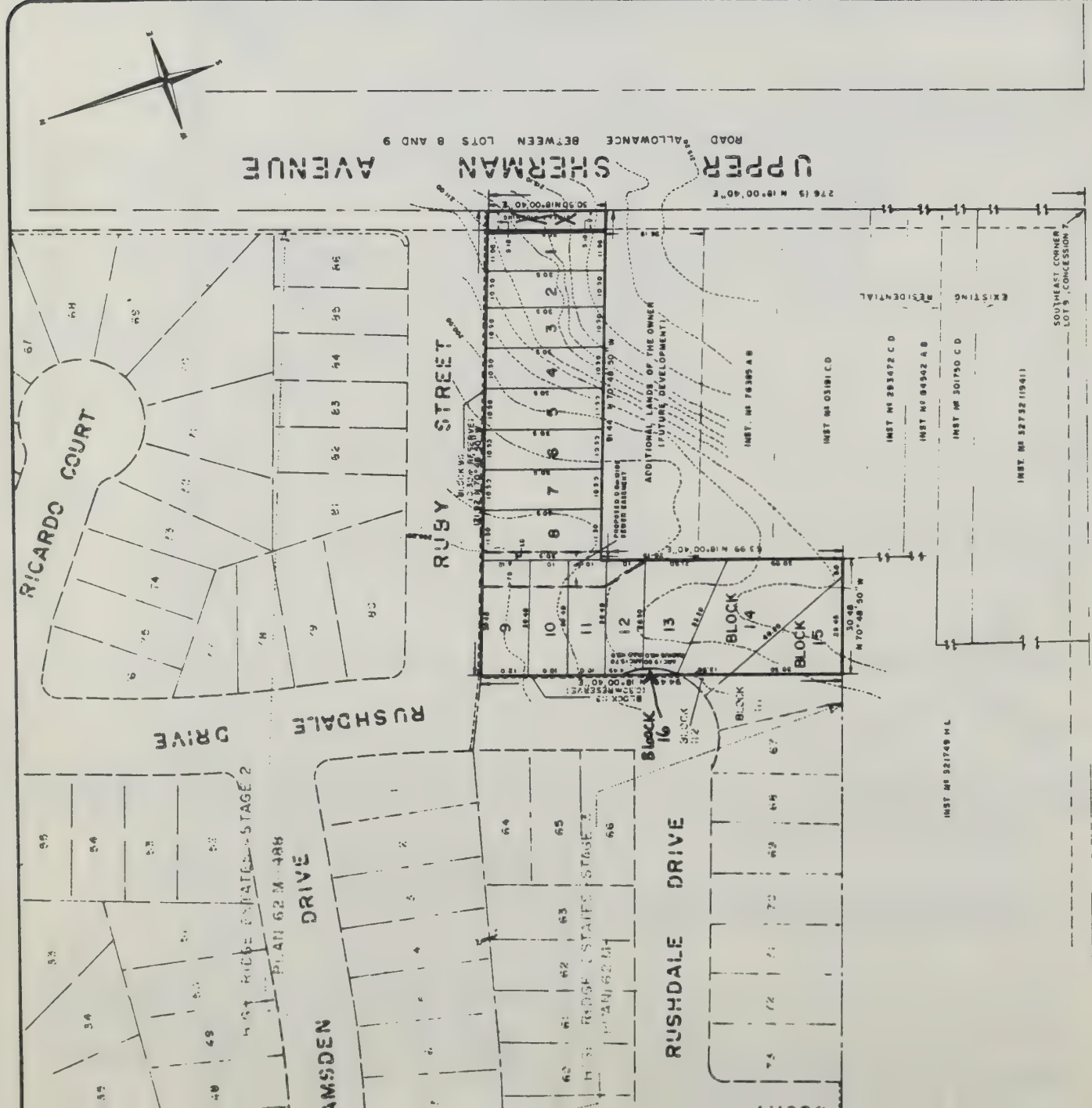


Scale
N. T. S.

Date
JUNE 25, 1987

Reference File No.
25T - 87020

Drawing No.



DRAFT PLAN OF:

Rushdale Manor

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 9 - CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:1250

A. J. Clarke & Associates

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

MEASURE: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RE: CHAPTER 349 R.S.O. 1990 - SECTION 30(1) THE PLANNING ACT

A. SHOWN ON PLAN
B. SHOWN ON PLAN
C. SHOWN ON PLAN
D. SHOWN ON PLAN
E. SHOWN ON PLAN
F. SHOWN ON PLAN
G. SHOWN ON PLAN
H. MUNICIPAL PIPED WATER AVAILABLE
I. CLAY LOAM
J. SHOWN ON PLAN
K. SHOWN ON PLAN
L. SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT THE BOUNDARIES OF THE LOTS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN ARE THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

JUNE 8, 1987
DATE

A. J. Clarke
A. CLARKE
OFFICIAL LAND SURVEYOR

OWNER'S AUTHORIZATION:
I, VINCE P. DIBERNARDO
BEING THE REGISTERED OWNER OF THE
SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES TO PREPARE
AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON -
WENTWORTH FOR THEIR APPROVAL.

JUNE 8, 1987
DATE

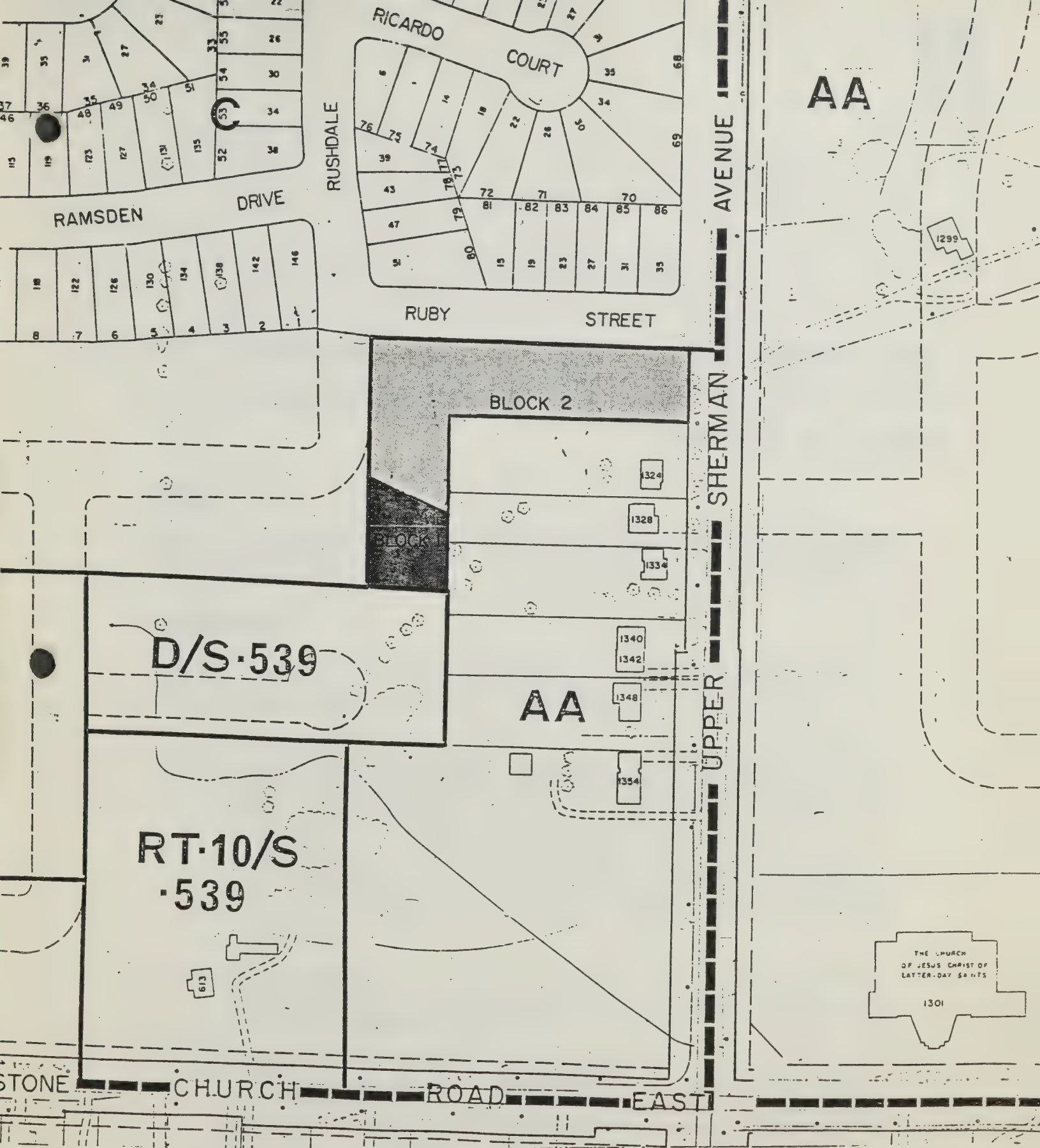
Vince P. Dibernardo
VINCE P. DIBERNARDO

LAND USE SCHEDULE:
TOTAL AREA OF SUBDIVISION IS 10.00 AC.
LOTS 1 TO 10 SINGLE FAMILY RESIDENTIAL
SUBDIVISIONS TO BE DEVELOPED IN CONFORMANCE WITH THE REGIONAL LIGHT AND URBAN ZONING BY-LAW
NOTE: DISTANCES OF 10.00 AC. AS SHOWN ON PLAN 30.1987

A. J. Clarke & Associates
PROFESSIONAL ENGINEERS AND SURVEYORS
HAMILTON, ONTARIO



STONE CHURCH ROAD
ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8

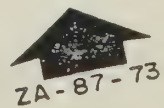
257-87020 SA-87-15



LEGEND

PROPOSED CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO:

- BLOCK 1  "C" (URBAN PROTECTED RESIDENTIAL, etc.) DISTRICT.
- BLOCK 2  "R-4" (SMALL LOT SINGLE FAMILY DETACHED) DISTRICT.



DATE September 22, 1987

Refer To File No. 4469

Attention Of V. J. Abraham

SUBJECT

Review of the Zoning By-law No. 6593 and the Licensing By-law respecting regulations for the location of Class "H" Adult Entertainment Parlours.

RECOMMENDATION

That approval be given to a City Initiative to introduce additional by-law regulations respecting the location of Adult Entertainment Parlours in the City of Hamilton on the following basis:

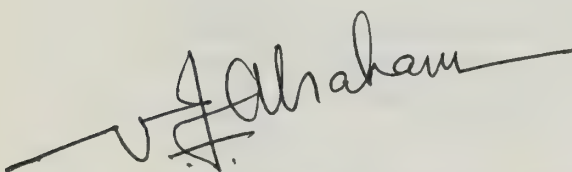
1. a) That the City Solicitor be directed to amend By-Law 79-144 as amended, and passed under the Municipal Act to permit Class "H" Adult Entertainment Parlours in "HH" (Restricted Community Shopping and Commercial) Districts; "I" (Central Business, etc.) Districts; "J" (Light and Limited Industrial) Districts; "JJ" (Restricted Light Industrial) Districts; "K" (Heavy Industry, etc.) Districts; "KK" (Restricted Heavy Industrial) Districts, and M-11 (Prestige Industrial) Districts, subject to a minimum radial separation distance of 180 m (600 ft.) from a residential district;
- b) That the number of licenses granted in the City for Class "H" Adult Entertainment Parlours shall be limited to a maximum of eight (8) licenses;
- c) That notwithstanding clause (a) above, the existing six (6) licensed Class "H" Adult Entertainment Parlours located within the geographic areas described in APPENDIX "B" be exempt from the radial separation distance provision of the new By-law;

- d) That provision be made for suitable fines for contravention of the By-Law; and,
 - e) That By-Law 85-149 and 85-186 be repealed.
2. a) That an Amendment to the Zoning By-law No. 6593 be initiated to to permit Class "H" Adult Entertainment Parlours in "HH" (Restricted Community Shopping and Commercial) Districts; "I" (Central Business, etc.) Districts; "J" (Light and Limited Industrial) Districts; "JJ" (Restricted Light Industrial) Districts; "K" (Heavy Industry, etc.) Districts; "KK" (Restricted Heavy Industrial) Districts, and M-11 (Prestige Industrial) Districts, subject to a minimum radial separation distance of 180 m (600 ft.) from a residential district;
- b) That notwithstanding clause 2(a) above, the following six (6) existing licensed Adult Entertainment Parlours shall be exempt from the radial separation provisions of the new By-law by passing a site-specific zoning By-law Amendment:
- 1. 92 Barton Street East
 - 2. 1038 Barton Street East
 - 3. 229 Kenilworth Avenue North
 - 4. 150 Centennial Parkway North
 - 5. 1545 Upper James Street
 - 6. 95 King Street East
- (c) That the term, "Adult Entertainment Parlour" be defined as follows:
- "Adult Entertainment Parlour" means any premises or part thereof in which is provided, in pursuance to a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations."
3. That the Interim Control By-law No. 85-226 as amended by By-Law No. 86-297, be repealed.

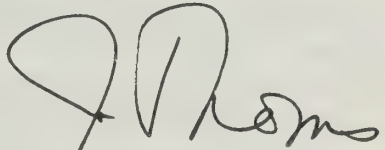
EXPLANATORY NOTE

The purpose of the proposed by-laws is to permit "Adult Entertainment Parlours" in certain zoning districts in the City subject to the minimum radial separation distance of 180 m (600 ft.) from a residential district.

The effect of the by-laws would be to allow the existing "Adult Entertainment Parlours" under the Licensing By-Law and recognize these existing parlours as legal and conforming uses under Zoning By-Law 6593. The total number of licenses to be granted in the City will be limited to eight (8) under the Licensing By-law.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

- Council Resolutions

At its meeting of July 30, 1985, City Council adopted the following resolution (Item 2, 1st Report, 1985) of the Licensing Committee respecting Adult Entertainment Parlours:

- "2. That the Planning and Development Committee consider and report back to Council on the geographical areas where such establishments may locate so that Council may modify Section 12(a) of the By-Law No. 79-144 to restrict such establishments from locating in inappropriate areas."

Subsequently, City Council adopted the following resolution (Item 9, 25th Report, 1985) of the Planning and Development Committee as its meeting held on September 24, 1985:

- 9.(a) That the City Solicitor be directed to prepare an "Interim Control By-Law" pursuant to Section 37 of the Planning Act, to define and prohibit Class "H" Adult Entertainment Parlours within the City of Hamilton for a period of one (1) year.
- (b) That the Planning and Development Department, in conjunction with the City Solicitor's Office and the City Clerk's (Licensing) Department, undertake a review of the locational requirements for Class "H" Adult Entertainment Parlours in the City of Hamilton."

- By-Law 85-226

On October 25, 1985, City Council passed By-Law No. 85-226 which established interim control with respect to Adult Entertainment Parlours.

The effect of the By-Law is to prohibit the establishment of new Adult Entertainment Parlours in the City for a period of one year, in order to allow the City to undertake a study to develop land use policies and by-law regulations concerning such parlours.

The By-Law expired on October 29, 1986. However, in accordance with the Planning Act, Council extended the interim control By-Law for a further one year by passing By-Law No. 86-297.

- Public Meeting

On July 15, 1987, the Planning and Development Committee authorized staff to schedule a public meeting to introduce additional By-law regulations respecting the location of Adult Entertainment Parlours in the City of Hamilton.

In this regard, on September 10, 1987, a notice was published in the Hamilton Spectator (a reminder notice was published on September 24, 1987) to advise the community of the public meeting to be held on September 30, 1987. The notice invited the public to attend the meeting and present their views on the proposed regulations regarding Adult Entertainment Parlours. It also invited the public to submit written comments prior to the meeting to assist staff in the preparation of the final report. However, at the time of writing this report, no inquiries or written comments expressing concern were received from the public.

- Existing Licenses

Presently, there are eight (8) existing licensed Adult Entertainment Parlours and one licensed site (i.e. 1565 Upper James Street) without an Adult Entertainment Parlour within the City. The location and present zoning of these licensed properties are as follows:

<u>Name</u>	<u>Location</u>	<u>Zoning</u>
*1. Hanrahan's	92 Barton Street East	"H" (Community Shopping and Commercial, etc.) District
2. Picadilly Tavern	1038 Barton Street East	"H" (Community Shopping and Commercial, etc.) District
*3. Hotline Tavern Inc.	229 Kenilworth Avenue North	"H" (Community Shopping and Commercial, etc.) District
*4. Pandora's Place	150 Centennial Parkway North	"HH" ((Restricted Community Shopping and Commercial) District

5. Billy Rose	54 King Street East	"I" ((Central Business District, etc.) District
*6. Old New Yorker	1545 Upper James Street	"HH" ((Restricted Community Shopping and Commercial) District
*7. Vincent Quardametteo	1565 Upper James Street	"HH" ((Restricted Community Shopping and Commercial) District
8. Sherman Tavern	421 Sherman Avenue North	"K" (Heavy Industry, etc.) District
9. Bannister's Tavern Ltd.	95 King Street East	"I" (Central Business District, etc.) District

Five of these locations adjoin residential districts (marked with an asterisk symbol *) and the other three are within 150.0 m (500 ft.) to 670.0 m (2,200 ft.) of a residential district.

PROBLEM

The concern regarding Adult Entertainment Parlours is with protecting the image of the commercial areas of the City and preventing potential land use conflicts, especially where they adjoin residential areas.

Typical problems associated with the location of Adult Entertainment Parlours include spill-over effects such as noise (vehicular and patrons), parking, traffic, visual amenity related to signage and lighting.

As previously noted, five of the nine existing Adult Entertainment Parlours sites adjoin residential districts. In this regard, one possible means of resolving any land use conflict between Adult Entertainment Parlours and residential uses is to establish a distance separation criteria.

PRESENT CONTROLS

1. LICENSING

- By-Law 79-144

As set out in Section 2 of Schedule 1.01 of By-Law No. 79-144, a Class "H" Adult Entertainment Parlour License authorizes "the licensee to provide services that are performances appealing to or designed to appeal to erotic or sexual appetites or inclinations."

- By-Law 85-149

At its meeting of July 30, 1985, City Council passed By-Law No. 85-149 to amend By-Law 79-144 respecting Adult Entertainment Parlours. The effect of the By-Law was to limit the total number of licenses granted in the City for Class "H" Adult Entertainment Parlours to ten within certain geographic areas in the City.

- By-Law 85-186

On September 3, 1985, City Council passed By-Law 85-186 which amended By-Law No. 85-149 by reducing the limit of the total number of licenses granted in the City for Class "H" Adult Entertainment Parlours from ten to nine.

2. ZONING BY-LAW No. 6593

A Class "H" Adult Entertainment Parlour is not defined in By-Law No. 6593. However, the Building Department has advised that this type of use may be included in the following uses and zoning districts as entertainment:

<u>USE</u>	<u>DISTRICTS</u>
Tavern	"HH", "I", "J", "K", "M-11"
Theatre	"G", "G-1", "G-2", "HH", "I", "CR-1" "CR-2", "CR-3", "J", "K"
Place of Amusement	"G-2", "HH", "I", "J", "K"
Commercial Club	"I", "CR-1", "CR-2", "CR-3", "M-11"
Private Club (Public Use not carried on as a business)	"E", "F", "G-2", "H", "I", "HI", "CR-1", "CR-2", "CR-3"

LEGISLATIVE ALTERNATIVES

- The Planning Act

Zoning By-Law regulations respecting Adult Entertainment Parlours may be passed under Section 34.(1) of The Planning Act to prohibit such parlours in the various zoning districts.

A by-law passed under The Planning Act requires circularization for a Public Meeting, notice of the passing of a by-law, and would be subject to appeal to the Ontario Municipal Board.

• The Municipal Act

The Municipal Act defines Adult Entertainment Parlours as follows:

"Adult entertainment parlour means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations."

As set out under Section 222 of The Act, by-laws may be passed by Council for, among other things, the following:

- i) Licensing, regulation, governing, classifying and inspecting Adult Entertainment Parlours;
- ii) Regulating signs and advertising promoting Adult Entertainment Parlours;
- iii) Defining the area or areas of the City in which Adult Entertainment Parlours may or may not operate, and limiting the number of licenses to be granted; and,
- iv) Regulating the hours of operation of Adult Entertainment Parlours.

The City Solicitor's Office has advised that:

"If an existing Adult Entertainment Parlour is situated in an area proposed for prohibition, then the prohibition would come into force upon the expiration of the license."

In effect, the operation of Adult Entertainment Parlours in a prohibited area would continue only until the license issued has expired.

It should be noted that a by-law passed under the provisions of the Municipal Act would not require a public meeting and cannot be subject to an appeal process to the Ontario Municipal Board.

ADDITIONAL CONTROLS

The principle objective in establishing special provisions for the regulation of Adult Entertainment Parlours is to maintain land use compatibility by mitigating their impact on surrounding land uses. In this regard, generally accepted planning principles include the utilization of physical barriers and distance separation criteria.

OTHER MUNICIPAL REGULATIONS

In the preparation of this report, the following municipalities were consulted (see APPENDIX "A") for information respecting their regulations for Adult Entertainment Parlours:

- City of Brampton;
- City of Burlington;
- Borough of East York;
- City of Etobicoke;
- City of Mississauga;
- City of North York;
- City of Oshawa;
- City of Toronto; and,
- City of Windsor.

The nine municipalities consulted have the following characteristics:

- Three have regulations in effect under the Municipal Act;
- Five have regulations in effect under the Planning Act; and,
- One has no regulations.

Four of the nine municipalities surveyed have incorporated a minimal radial separation distance requirement from residential areas ranging from 500 m (1,640 ft.) to 800 m (2,625 ft.) in their by-laws.

POSSIBLE OPTIONS

It should be noted that the following options are presented based on land use concerns and therefore do not consider the broader moral issues related to the acceptability of Adult Entertainment Parlours.

OPTION 1

TO PROHIBIT ADULT ENTERTAINMENT PARLOURS FROM LOCATING IN THE CITY BY AMENDING THE LICENSING BY-LAW No. 79-144 AS AMENDED UNDER THE MUNICIPAL ACT BY SPECIFICALLY PROHIBITING SUCH PARLOURS IN SAID BY-LAW.

Effects

- Avoids the proliferation of Adult Entertainment Parlours throughout the City;
- Avoids any increase in potential land use conflicts between Adult Entertainment Parlours and other incompatible uses (e.g., residential and institutional); and,

- Maintains character of established and future intended residential and commercial areas.
- Creates a financial hardship to existing facilities since their licences would not be renewed;
- Eliminates the existing Adult Entertainment Parlours; and,
- Owners of such facilities will investigate the possibilities of locating in other municipalities.

OPTION 2:

TO PERMIT A MAXIMUM OF EIGHT (8) ADULT ENTERTAINMENT PARLOURS IN THE CITY BY AMENDING THE LICENSING BY-LAW 79-144 AS AMENDED, UNDER THE MUNICIPAL ACT.

Effects

- Maintains status quo as much as possible;
- Limits the total number of Adult Entertainment Parlours to eight (8) in the City.
- Does not eliminate land use conflicts between Adult Entertainment Parlours and other incompatible uses (i.e., residential and institutional);
- Allows Adult Entertainment Parlours in various zoning districts as defined in the Zoning By-law 6593; and,
- Would not be regulated under the Zoning By-law.

OPTION 3

TO PERMIT ADULT ENTERTAINMENT PARLOURS IN LIGHT AND HEAVY INDUSTRIAL DISTRICTS BY AMENDING THE ZONING BY-LAW 6593 UNDER THE PLANNING ACT AND THE LICENSING BY-LAW No. 79-144 AS AMENDED UNDER THE MUNICIPAL ACT, SUBJECT TO A MINIMUM RADIAL SEPARATION DISTANCE OF 180 m (600 ft.) FROM A RESIDENTIAL DISTRICT.

Effects

- Provides a variety of potential locations for Adult Entertainment Parlours; and,
- Maintains the character of established and future intended residential and commercial areas.
- Increases opportunities for land use conflicts; and,
- Does not eliminate the existing Adult Entertainment Parlours.

OPTION 4

TO PERMIT ADULT ENTERTAINMENT PARLOURS IN COMMUNITY SHOPPING AND COMMERCIAL DISTRICTS; CENTRAL BUSINESS DISTRICT; LIGHT, HEAVY AND PRESTIGE INDUSTRIAL DISTRICTS BY AMENDING THE ZONING BY-LAW NO. 6593 UNDER THE PLANNING ACT, AND BY AMENDING THE LICENSING BY-LAW NO. 79-144 AS AMENDED, UNDER THE MUNICIPAL ACT, SUBJECT TO A MINIMUM RADIAL SEPARATION DISTANCE OF 180 m (600 ft.) FROM A RESIDENTIAL DISTRICT, EXCEPT FOR THOSE WHICH ALREADY EXIST AND TO LIMIT THE NUMBER OF LICENSES GRANTED TO A MAXIMUM OF EIGHT (8) IN THE CITY.

Effects

- Provides the greatest flexibility in locating new "Adult Entertainment Parlours;
- Limits the total number of Adult Entertainment Parlours to eight (8) in the City;
- New Adult Entertainment Parlours cannot be established unless existing Parlours cease to exist; and,
- Does not eliminate existing Adult Entertainment Parlours.

COMMENTS

1. All four (4) options outlined in this report have advantages and disadvantages. However, from a planning perspective, Option four (4) is the most equitable in that it allows Adult Entertainment Parlours in a large number of districts while regulating them under the City's Zoning By-law 6593 and the Licensing By-law 79-144. This option would restrict the total number of licensed Adult Entertainment Parlours to eight (8) in the City. Given that this option requires an amendment to the Zoning By-law, a Public Meeting must be held by the Planning and Development Committee to solicit public input prior to making any decisions on this matter.

Since there are eight (8) existing licensed Adult Entertainment Parlours in the City, additional Parlours would not be permitted unless an amendment to the Licensing By-Law is initiated. In essence, a new Adult Entertainment Parlour can only be established if an existing Parlour ceases to exist, and a license becomes available.

2. The City Clerk's Department (Licensing) has advised that while a Class "H" Adult Entertainment Parlour license for the property located at 1565 Upper James Street has been issued, no such Parlour exists on the property. Since this site would also not meet the minimum radial distance separation criteria of 180 m (600 ft.), a new license should not be issued once the present license expires.
3. Option four (4) requires a minimum radial distance separation of 180 m (600 ft.) from a residential district. Based on the experiences of other municipalities, a distance separation criteria is an effective method of mitigating potential land use conflicts between Adult Entertainment Parlours and residential uses. From the City's perspective a distance separation criteria has been utilized in a number of other instances. For example, the City By-law 6593 requires residential care facilities to be a minimum of 180 m (600 ft.) apart from each other. This criteria appears to be effective measure in reducing land use conflicts and therefore should also be utilized in the location of Adult Entertainment Parlours.
4. The introduction of new regulations respecting the location of Adult Entertainment Parlours should not affect the existing eight (8) licensed Adult Entertainment Parlours for the following reasons:
 - These uses have been in existence for some time and were established legally; and,
 - The elimination of these uses could create financial hardship for the present owners.

Accordingly, these existing establishments should be exempted from the regulations of a new by-law and be recognized as legal uses.

CONCLUSION

On the basis of the foregoing, Option four (4) warrants consideration and can be supported. Prior to any decision being made on the proposed Amendment to the Zoning By-law 6593, a Public Meeting must be convened in order to solicit comments from the public.

It should be noted that this report was prepared in conjunction with the following Departments:

- The City Solicitor's Office;
- The Clerk's Department (Licensing); and,
- The Building Department.

HY:cs
Attach.
WPD00 0019P

APPENDIX "A"

SUMMARY OF

OTHER MUNICIPAL REGULATIONS

<u>Municipality</u>	<u>Definition</u>	<u>Legislative Authority</u>	<u>Regulations</u>
1. City of Brampton	Adult Entertainment Parlour means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designated to appeal to erotic or sexual appetites or inclinations.	The Municipal Act	Permitted in an industrial or commercial zoned area (unless specifically prohibited) not closer than 500 m (1,640 ft.) measured on a continuous path over the shortest distance from a dwelling unit or a residential zone; and the applicant is a holder of a license under the Liquor License Act.
2. City of Burlington	N/A	The Planning Act	Permitted in a hotel with a minimum of 500 suites, as an accessory use in an industrial zone.
3. Borough of East York	N/A	The Planning Act	Adult Entertainment Parlours prohibited in Zoning By-Laws.
4. City of Etobicoke	N/A		No By-Law provisions. Covered by Metro Licensing By-Law.
5. City of Mississauga	N/A	The Planning Act	Permitted in Industrial Zones, provided that no adult entertainment parlour shall be located closer than 800 m (approx. 1/2 mi.) measured in a straight line to the lot line of a residential zone.

SUMMARY OF

OTHER MUNICIPAL REGULATIONS

<u>Municipality</u>	<u>Definition</u>	<u>Legislative Authority</u>	<u>Regulations</u>
6. City of North York	"Adult Entertainment Parlour" means any premises or part thereof in which is provided in pursuance of a trade, calling business or occupation, goods, including books, magazines, pictures, slides, film, phonograph records, prerecorded magnetic tape and any other reading, viewing or listening matter, or services, including activities, facilities, performances, exhibitions, viewings and encounters, the principal feature or characteristic of which is the nudity or partial nudity of any person or in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.	The Planning Act	Permitted in all areas zoned Industrial, provided that they are located at least 500 m (1,640 ft.) from residential areas.
7. City of Oshawa	"Adult Entertainment Parlour" means any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations.	The Municipal Act	Permitted in three (3) defined areas of the City (i.e., two industrial areas and one commercial block).

SUMMARY OF

OTHER MUNICIPAL REGULATIONS

<u>Municipality</u>	<u>Definition</u>	<u>Legislative Authority</u>	<u>Regulations</u>
8. City of Toronto	"Adult Entertainment Parlours" means any premises or part thereof in which is provided in pursuance of a trade, calling, business or occupation goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.	The Planning Act	Restricted to only the "C4" Zone (Heavy Industrial)
9. City of Windsor	N/A	The Municipal Act	Not more than ten (10) licences are to be issued.

APPENDIX "B"

CLASS "H" ADULT ENTERTAINMENT PARLOURS MAY OPERATE ONLY WITHIN EACH OF THE FOLLOWING AREAS IN THE CITY:

1. The northerly half of the block bounded by Barton Street, Catharine Street, Robert Street and John Street.
2. The block bounded by King Street, John Street, King William Street and Catharine Street.
3. The easterly one hundred and fifty feet of the block bounded by Kenilworth Avenue, Hope Avenue, Robins Avenue and Rosslyn Avenue.
4. The northerly one hundred and fifty feet of the block bounded by Barton Street, Balmoral Avenue, Campbell Avenue and Rosslyn Avenue.
5. The westerly two hundred feet of the southerly nine hundred feet of the area bounded by Upper James Street, Stone Church Road, Upper Wellington Street and Rymal Road.
6. The westerly three hundred and seventy feet of the block bounded by Centennial Parkway, Violet Drive, Grandville Avenue and Delawana Drive.

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1987 September 14

NOTICE OF JOINT MEETING

A joint meeting of the Planning and Development Committee
and the Legislation Committee
Wednesday, 1987 September 30th
3:15 o'clock p.m.
Room 233, City Hall

A handwritten signature in cursive script that reads "Susan K. Reeder".

Susan K. Reeder, A.M.C.T.(A)
Acting Secretary and Secretary
Planning & Development Committee
Legislation Committee

SKR:jf

The Planning and Development Committee has scheduled a Public Meeting at 3:15 p.m. on Wednesday, 1987 September 30th during their regular meeting agenda for the purpose of:

"introducing regulations respecting the location of Class "H" Adult Entertainment Parlours in the City of Hamilton."

General information on this matter is herewith attached. Closer to the Public Meeting, I will be forwarding the completed study on this matter.

PUBLIC MEETING

PROPOSED AMENDMENT TO THE ZONING BY-LAW NO. 6593

RESPECTING

CLASS "H" ADULT ENTERTAINMENT PARLOURS

Take notice that the Planning and Development Committee of the City of Hamilton is considering to amend Zoning By-law No. 6593 to introduce regulations respecting the location of Class "H" Adult Entertainment Parlours in the City of Hamilton. In this regard, the Planning and Development Committee will hold a public meeting to be held as follows:

DATE: September 30, 1987
PLACE: Room 233, City Hall, Hamilton
TIME: 3:15 p.m.

The purpose of the public meeting is to review the proposed regulations for Class "H" Adult Entertainment Parlours and solicit comments from the public on this matter.

The intent of the proposed regulations is to permit Class "H" Adult Entertainment Parlours in the following zoning districts in the City, provided that they have a minimum radial separation distance of 180 metres (600 ft.) from a residential district:

- "HH" (Restricted Community Shopping and Commercial) District;
- "I" (Central Business, etc.) District;
- "J" (Light and Limited Industrial) District;
- "K" (Heavy Industry, etc.) District; and,
- "M-11" (Prestige Industrial) District.

In addition, matters related to the licensing aspects of Class "H" Adult Entertainment Parlours will also be discussed during the public meeting.

You are invited to attend the public meeting and present your views on the proposed regulations to the Planning and Development Committee for their consideration.

In addition, you may wish to submit written comments prior to the public meeting to:

Secretary
Planning and Development Committee
Second Floor
City Hall
Hamilton, Ontario
L8N 3T4

The proposed regulations and background material may be examined at the Planning and Development Department, 7th Floor, City hall during regular office hours. Further, inquiries may be made by calling the Planning and Development Department at 526-4424.

FOR ACTION

FROM Planning and Development Department
TO Planning and Development Committee

DATE July 10, 1987
Refer To File No. 4469
Attention Of V. J. Abraham

SUBJECT

Review of the Zoning By-law No. 6593 and the Licensing By-law respecting regulations for the location of Class "H" Adult Entertainment Parlours.

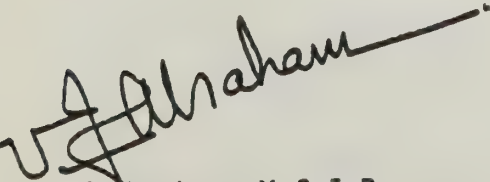
RECOMMENDATION


That staff be authorized to schedule a Public Meeting in regard to a City Initiative to introduce additional by-law regulations (as per attached report) respecting the location of Adult Entertainment Parlours in the City of Hamilton.

EXPLANATORY NOTE

The purpose of the proposed by-laws is to permit "Adult Entertainment Parlours" in certain zoning districts in the City subject to the minimum radial separation distance of 180 m (600 ft.) from a residential district.

The effect of the by-laws would be to allow the existing "Adult Entertainment Parlours" under the Licensing By-Law and recognize these existing parlours as legal and conforming uses under Zoning By-Law 6593. The total number of licenses to be granted in the City will be limited to eight (8) under the Licensing By-law.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

approved by P&D
July 13/87

12.

F O R A C T I O N

FROM Planning and Development Department

DATE September 14, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-61

Kirkendall North Neighbourhood

Attention Of V. J. Abraham

Item referred back to Planning and Development Committee by City Council on September 1, 1987.

SECOND REPORT

SUBJECT

Request for a further modification to the established "D" (Urban Protected Residential--One and Two-Family Dwellings, etc.) District regulations applicable to the property located at No. 234 Queen Street South. The purpose of this application is to permit in addition to a dry cleaning pickup service, the following uses:

- Retail variety and grocery store;
- Flower shop; and
- Drug store.

RECOMMENDATION

That approval be given to Zoning Application 87-61, Ritlyn Investments Limited, owner, requesting a further modification to the established "D" (Urban Protected Residential--One and Two-Family Dwellings, etc.) District regulations for property located at No. 234 Queen Street South, as shown on the attached map marked as APPENDIX "A" on the following basis:

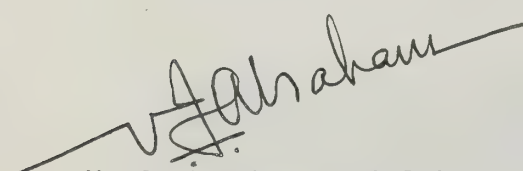
- i) That the "D" (Urban Protected Residential--One and Two-Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 86-251, passed by City Council on August 26, 1986, applicable to the subject property, be further amended to include the following variance as special requirements:
 - a) That notwithstanding the provisions of Section 10.(1) of By-law No. 6593, the following additional commercial uses shall be permitted within the existing building:
 - Retail variety and grocery store;
 - Flower shop; and
 - Drug store.

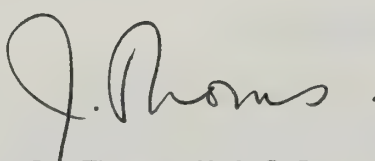
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-973A, and that the subject lands on Zoning District Map W-14 be notated S-973A;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-14: and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a further modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District regulations for property located at No. 234 Queen Street South, as shown on the attached map marked as APPENDIX "A". The effect of the By-law is to permit in addition to a dry cleaning pickup service use within the existing building, the following commercial uses:

- Retail variety and grocery store;
- Flower shop;
- Drug store.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ritlyn Investments Limited, owner.

LOT SIZE AND AREA

- 12.2 m (40.0 ft.) of lot frontage on Queen Street South;
- 26.2 m (86.0 ft.) of lot flankage on Charlton Avenue West;
- 319.6 m² (3,440 sq. ft.) of lot area.

LAND USE AND ZONING

<u>Subject Lands</u>	<u>Existing Use</u>	<u>Existing Zoning</u>
	Vacant store with two apartments above	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, modified
<u>Surrounding Lands</u>		
To the north	Single Family and Three-Family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, modified
To the south	Single Family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, modified
To the east	Variety store, three-family dwellings	DE-3" (Multiple Dwellings) District
To the west	Single family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, modified

OFFICIAL PLAN

The subject lands are designated Residential on Schedule "A". Commercial establishments on sites not exceeding .4 ha in size are permitted in residentially designated areas. In this regard, the proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "Single and Double" Residential in the Approved Kirkendall North Neighbourhood Plan. The proposal does not conform to the Plan. However, a redesignation to "Commercial" is not warranted, since the long term use of the land is for residential purposes.

BACKGROUND

Approximately twenty years ago, the ground floor of the building functioned as a dry cleaner's pickup store. This use was deemed to be a legal non-conforming use. In 1968, the owner applied to the Committee of Adjustment to change the use from the dry cleaning service to a variety store. Permission was granted and the variety store remained as a legal non-conforming use. In addition, the Committee allowed the owner to establish a day-old bread retail store or a florist shop in the premises, if he wished. During 1986, the owner reconverted the use of the store back to a dry cleaning pickup service without obtaining the approval of the Committee of Adjustment. As a result of the illegal occupancy, an Order to Comply was issued by the Building Department and the applicant was advised to submit a zoning application to legalize the dry cleaning pickup store. On August 26, 1986, City Council passed By-law 86-251 to permit the existing building to be used as a dry cleaning pickup service store.

The Planning and Development Committee at its meeting held on August 12, 1987 denied the subject rezoning application contrary to the recommendation of the Planning and Development Department to approve the application. City Council on September 1, 1987 referred the zoning application back to the Planning and Development Committee for reconsideration.

COMMENTS RECEIVED

- The Building Department has advised that:

"By-law 86-251 permits a dry cleaning pickup service in the existing building. The other proposed uses require a further modification to the "D" Zoning.
- The Traffic Department, Local Architectural Conservation Advisory Committee Staff, and the Hamilton Region Conservation Authority have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised in part that:

"According to our records, the existing building at 234 Queen Street South encroaches into the Queen Street road allowance. As a condition of approval, we recommend that the applicant/owner enter into an encroachment agreement with the Region."

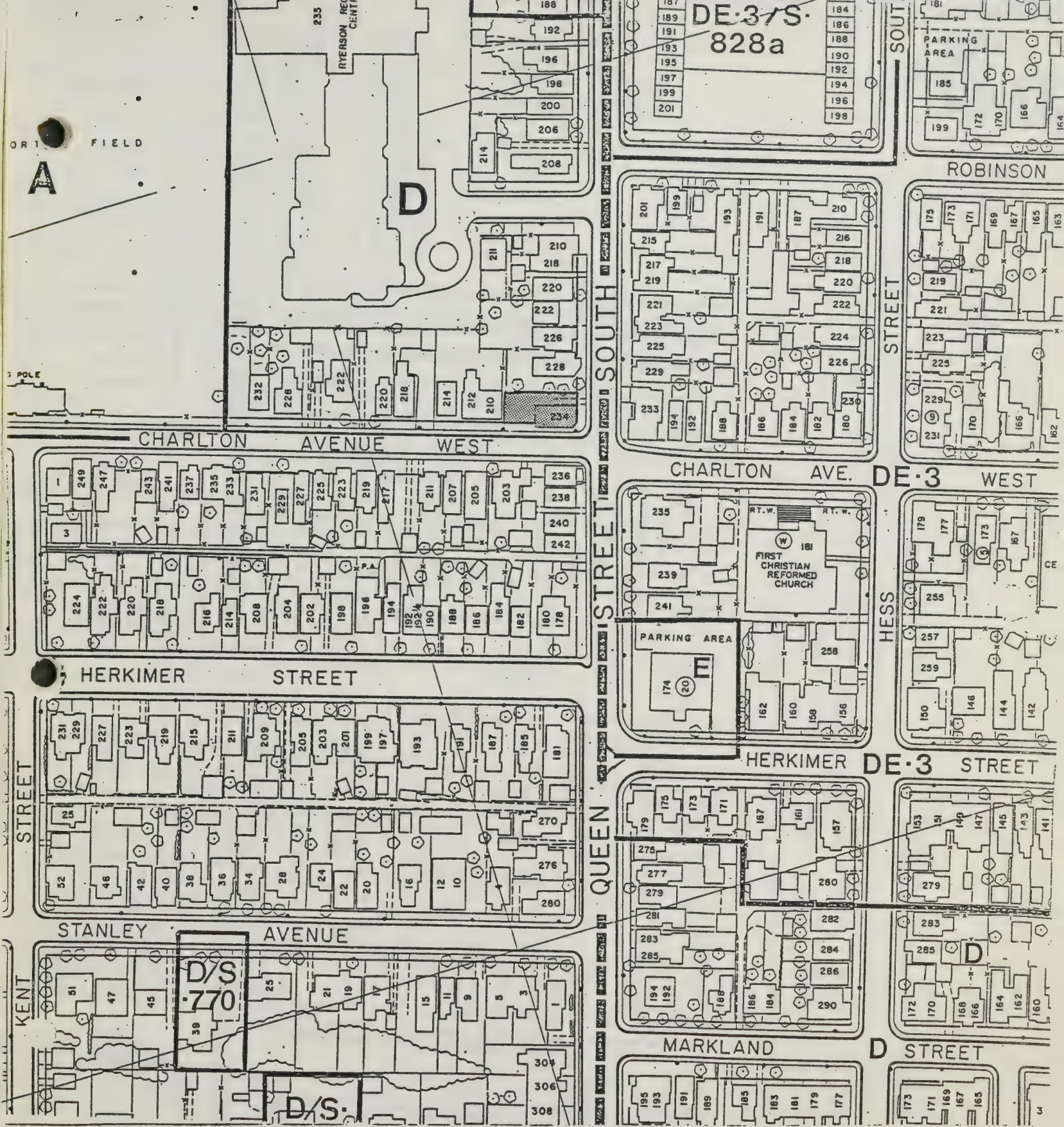
COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal does not comply with the intent of the Approved Kirkendall North Neighbourhood Plan. However, in order to maintain the long term goals of the Neighbourhood Plan, redesignation to "Commercial" is not recommended.
3. The proposal can be supported for the following reasons:
 - a) The property has been used for commercial purposes for more than twenty years without any apparent disruption to the neighbourhood.

CONCLUSION

On the basis of the foregoing, the application can be supported.

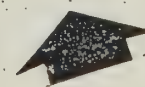
GAW:cs
Attach.
WPDOC 0136P



LEGEND



SITE OF THE APPLICATION

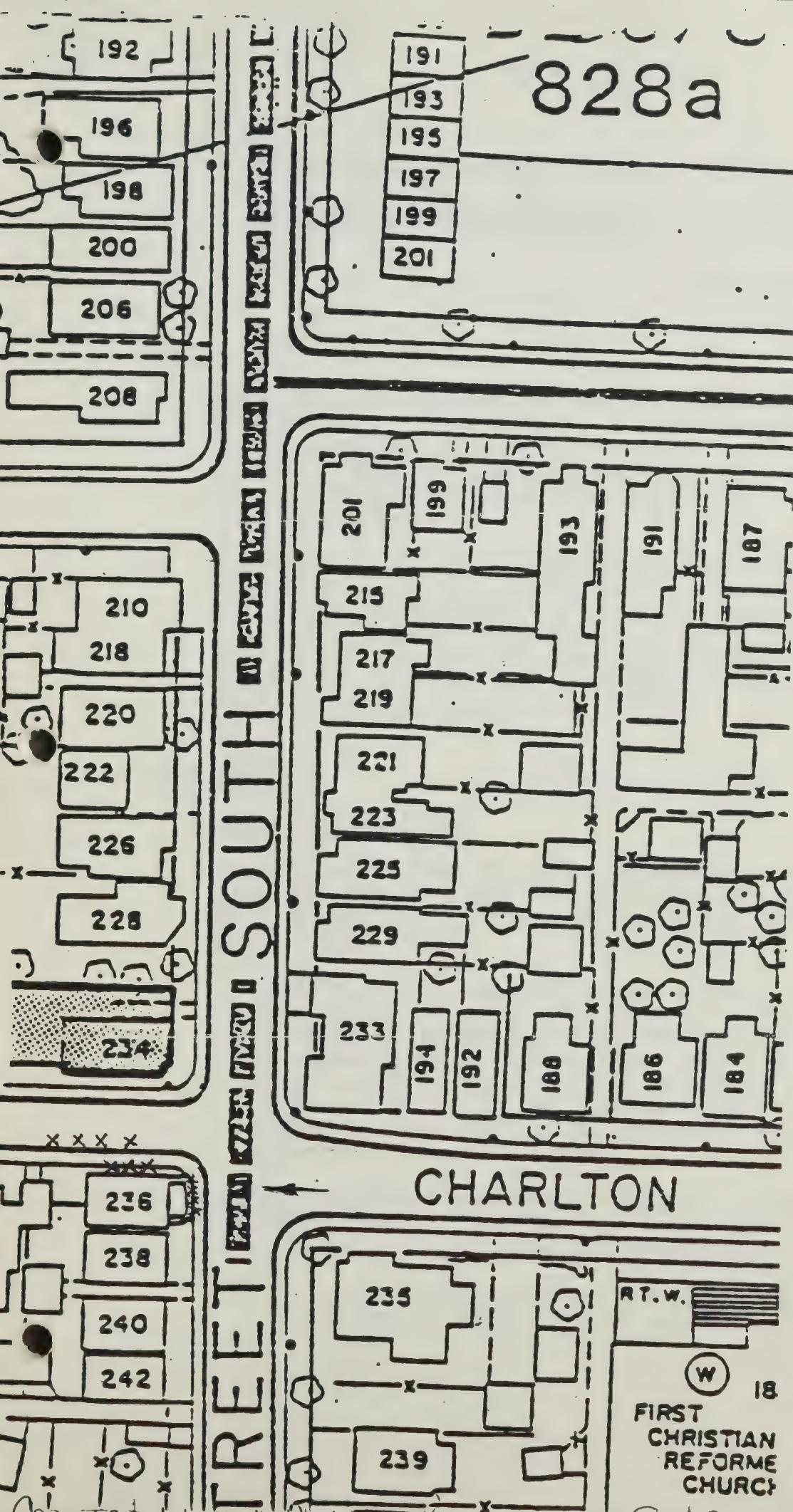


2A-87-61



SEP 16 1987

Na



- xxx - VARIETY STORE INCREASES ILLEGAL PARKING BESIDE MY HOME
- xxx - VARIETY STORE WILL ATTRACT CHILDREN TO SIT AROUND MY FRONT LAWN WHICH IS IN DIRECT PATH OF TRAFFIC
- xxx - VARIETY STORE WILL INCREASE THE DEBRIS I MUST CLEAN AT THE SIDE OF MY HOUSE

RESPECTFULLY SUBMITTED,

D. Seta
(230-515)

13.

DATE: August 25, 1987

Refer to File No. SA-87-11
ZA-87-51

SUBJECT

1. Application to the Region for approval of a draft plan of subdivision, Regional File No. 25T-87010, City of Hamilton File No. SA-87-11, to establish 204 lots for single-family dwellings, 1 block for commercial purposes, 1 block for townhouse dwellings, 1 block for school purposes, 1 block for future development with abutting lands and 2 blocks for street widening purposes.
2. Application to the City of Hamilton for approval of a rezoning, File No. ZA-87-51 for a change in zoning from "AA" (Agricultural) District, "D" (Urban Protected Residential - One and Two Family Dwellings), "C" (Urban Protected Residential, etc.) District, "RT-30" (Street-Townhouse) District and "E-2" (Multiple Dwellings) District to "C" (Urban Protected Residential, etc.) District, "E-2" (Multiple Dwellings) District and "G-1" (Designed Shopping Center) District.

RECOMMENDATION

1. Subdivision Application

- a) That approval be given for application SA-87-11, Wellington Chase Inc., owner, to establish a draft plan of subdivision at the south-east corner of Stone Church Road East and Upper Wellington Street, subject to the following conditions:
1. That the approval apply to the plan prepared by Ashenhurst Nouwens Limited, dated February, 1987, revised to delete Lots 180 to 194 inclusive (to become part of the abutting block) and to renumber the subsequent numbered lots and blocks accordingly; to realign the street between Blocks "190" and "191" at its intersection with Upper Wellington Street, to show minor street roundings, to add a 0.3 m reserve as Block "196" and to add certain dimensions for the street widenings and daylight corners.
 2. That the road allowances and widenings for Stone Church Road East (Block "194") and Upper Wellington Street (Block "194" and "195") be dedicated as public highway on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform with the zoning by-law approved under The Planning Act.
5. That the owner convey 5% of the land included in the final plan to the City of Hamilton for park purposes pursuant to the provisions of The Planning Act. This condition can be fulfilled by applying a credit for parkland conveyed from Phase 1 of the development.
6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
8. That the dead-end of the road allowance created by the plan be terminated in a 0.3 m reserve (Block "196") to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road.
9. That Block "192" be developed only in conjunction with abutting lands.
10. That Block "193" be set aside as a Separate School Site to be acquired by the Hamilton-Wentworth Roman Catholic Separate School Board.
11. That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
12. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
 - b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-11), Wellington Chase Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

2. Zoning Application

1. That Zoning Application 87-51, Wellington Chase Inc., owner, requesting changes in zoning for the property located south of Stone Church Road in the area east of Upper Wellington Street as shown on the attached map marked as APPENDIX "A" be denied as submitted for the following reasons:
 - o The proposed "E-2" (Multiple Dwellings) District for Blocks "7" and "8" represents an over intensification of land use; and,

- o is incompatible with the surrounding future single family dwellings.
2. That approval be given to amended Zoning Application 87-51, Wellington Chase Inc., owner requesting a change in zoning from "AA" (Agricultural) District, "D" (Urban Protected Residential - One and Two Family Dwellings), "C" (Urban Protected Residential, etc.) District, "RT-30" (Street-Townhouse) District and "E-2" (Multiple Dwellings) District to "C" (Urban Protected Residential, etc.) District, "RT-10" (Townhouse) District and "G-1" (Designed Shopping Centre) District, for the subject lands located south of Stone Church Road East, in the area east of Upper Wellington Street as shown on the attached map marked as APPENDIX "A", on the following basis.
- i) That the lands shown as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - ii) That the lands shown as Blocks "2", "3", and "4" be rezoned from "D" (Urban Protected Residential - One and Two Family dwellings, etc.) District to "C" (Urban Protected Residential, etc.) District;
 - iii) That the lands shown as Blocks "5" and "6" be rezoned from "RT-30" (Street-Townhouse) District to "C" (Urban Protected Residential, etc.) District;
 - iv) That the lands shown as Block "7" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-10" (Townhouse) District;
 - v) That the lands shown as Block "8" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "RT-10" (Townhouse) District;
 - vi) That the lands shown as Block "9" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District;
 - vii) That the lands shown as Block "10" and "11" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "G-1" (Designed Shopping Centre) District;
 - viii) That that lands shown as Block "12" be rezoned from "E-2" (Multiple Dwellings) District to "G-1" (Designed Shopping Centre) District;
 - ix) That the lands shown as Blocks "13 and "14" be rezoned from "RT-30" (Street Townhouse) District to "G-1" (Designed Shopping Centre District;
 - x) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E18C and E18D;

- xi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- xii) That the Barnstown Neighbourhood Plan be amended accordingly to reflect the changes established by the draft plan of subdivision.

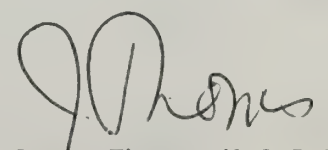
EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning for the property located on the south side of Stone Church Road East, in the area east of Upper Wellington Street, shown on the attached map marked as APPENDIX "A", on the following basis:

- | | |
|----------------|--|
| Block 1 | "AA" (Agricultural) to "C" (Urban Protected Residential, etc.) District |
| Block 2, 3 & 4 | "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "C" (Urban Protected Residential, etc.) District; |
| Block 5 & 6 | "RT-30" (Street-Townhouse) District to "C" (Urban Protected Residential, etc.) District; |
| Block 7 | "C" (Urban Protected Residential, etc.) District to "RT-10" (Townhouse) District; |
| Block 8 | "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "RT-10" (Townhouse) District; |
| Block 9 | "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District; |
| Block 10 & 11 | "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "G-1" (Design Shopping Centre) District; |
| Block 12 | E-2" (Multiple Dwellings) District to "G-1" (Designed Shopping Centre) District; |
| Blocks 13 & 14 | "RT-30" (Street Townhouse) District to "G-1" (Designed Shopping Centre) District. |

The effect of the By-law is to permit the development of the subject lands in conjunction with a draft plan of subdivision for single family dwellings (Blocks "1", "2", "3", "4", "5" and "6"), townhouses (Blocks "7" and "8") and shopping centre (Blocks "9", "10", "11", "12", "13" and "14").


V. J. Abraham, M.C.I.P.
Director - Local Planning


J. D. Thoms, M.C.I.P.
Commission
Planning and Development

BACKGROUND

Owner

Wellington Chase Inc., c/o John Parente, Hamilton, Ontario.

Surveyor

John P. Nouwens, O.L.S., Hamilton, Ontario.

Location

The lands, comprising 18.2 ha, are located at the south-east corner of Stone Church Road East and Upper Wellington Street in the Barnstown Neighbourhood, being Part of Lots 11 and 12, Concession 8, Township of Barton, now in the City of Hamilton.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
to the north	across Stone Church Road large lot single-family dwellings and vacant lands in the Crerar Neighbourhood	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the south	vacant lands of a proposed draft plan of subdivision, lands of the City Board of Education, single-family dwellings and a new park area.	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District
to the east	new single-family dwellings in a recently registered subdivision	"C" (Urban Protected Residential, etc.) District
to the west	across Upper Wellington Street, church property and new single-family dwellings in a recently registered subdivision.	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District

PROPOSAL

The owner proposes to subdivide the lands into 204 lots for single-family dwellings, one block for townhouse dwellings, one block for commercial purposes, one block for a future Separate School, two blocks for street widenings and one block for future development in conjunction with abutting lands.

The new street pattern will have connection to Upper Wellington Street and Brigade Drive and a future connection over the lands to the south.

The minimum lot size proposed has a width of 13.0 m and an area of 390 m² and all lots will be serviced from the new streets with the exception of 17 lots which will be serviced from Stone Church Road.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential", "Commercial" and "Major Institutional". The proposal complies.

Neighbourhood Plan - the lands are designated for "Residential - single and double, low density apartments, medium density apartments", "Commercial", and "Civic & Institutional" uses. The proposal complies with the exception that the residential apartments are being substituted for use as residential townhouses in a different location and that the proposed street pattern is changed considerably.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are Zoned "AA" (Agricultural) District, "D" (Urban Protected Residential - One and Two Family Dwellings) District, "C" (Urban Protected Residential, etc.) District, "RT-30" (Street Townhouse) District and "E-2" (Multiple Dwellings) District. The proposal does not comply with the location of some of the existing Zoning Districts, therefore, amendments to permit the proposed development are under consideration.

COMMENTS FROM CIRCULATION

1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment (subject to standard noise abatement conditions)

Ministry of Natural Resources (subject to submission and implementation of a drainage plan)

Ministry of Citizenship and Culture (subject to standard archaeological condition)

Niagara Escarpment Commission

Hamilton Region Conservation Authority

City of Hamilton Board of Education

Ontario Hydro, Union Gas, Bell Telephone

City Building Department (subject to rezoning)

The Hamilton-Wentworth Separate School Board objects to the proposed draft plan on the basis that the school site does not comply with the neighbourhood plan in size and that the site would be landlocked.

The City Traffic Department has submitted the following comments:

"The approved neighbourhood plan for the subject lands designates the area adjacent to Stone Church Road for medium and low density apartments which would limit the number of access points to Stone Church Road. The development of single family residential lots as proposed will significantly increase the number of access on Stone Church Road.

We therefore recommend that either the subject lands be developed in accordance with the neighbourhood plan or the east/west street immediately south of Stone Church Road be relocated to permit reversed frontage single family development adjacent to Stone Church Road."

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1) The developer is to enter into Subdivision Agreements with the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of these lands.
- 2) We will require a 15 m wide trunk sewer easement through lots 39, 40, 60, 61, 90 and 91 and Block 205 as shown in red on the attached plan. The existing sewer easement in front of lots 174 through 204 will become a public road allowance when the plan is registered.
- 3) The proposed subdivision can be serviced for water from the existing watermains.
- 4) We require that the road allowance width of Stone Church Road and Upper Wellington Street be 30.48 m. To meet this requirement sufficient lands must be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Stone Church Road and Upper Wellington Street road allowance.
- 5) In addition we require that 12.19 m x 12.19 m daylight triangles be dedicated to the Region from the widened southeast angle of Stone Church Road and Upper Wellington Street and the corner of the mid block collector street on Upper Wellington Street.

- 6) In order to provide for proper turning radii we require 5 m radii at lots 45, 109 and 146 as shown on the attached plan.

The centreline radii are not shown, however, they should conform to the current Regional Transportation Department geometric design criteria.

- 7) We expect to have regional share for sewers and watermain in this subdivision in the amount of \$30,000.00 due to oversize watermain.
- 8) Access to lot 174 is not to be from Upper Wellington Street.
- 9) Access to lot 17 in Wellington Chase Phase 1 is from Stone Church Road and to maintain a balanced streetscape we should leave access to Stone Church Road in this plan as an option. We advise that the widening and reconstruction of the arterial roads at major intersections may include the construction of raised concrete medians which may restrict access to adjacent lands at these points.
- 10) The plan submitted by the applicant will require many modifications to the approved Barnstown Neighbourhood Plan. The street locations have been changed and the designated land uses as shown on the plan have been changed. The neighbourhood plan designates block development for lots 1 to 36 and 45 to 57 inclusive. This block development reduces the number of access points onto Stone Church Road which is desirable.
- 11) In reviewing the street locations, the local neighbourhood street adjacent to the cemetery has been located 22 m to the south than what the neighbourhood plan indicates thus reducing the affect between this street and the approved neighbourhood street called "Como Drive" in the Rykman Neighbourhood to approximately 55 m (centreline to centreline). It is desirable that the minimum offset be 90 m between local neighbourhood streets.
- 12) Parkland was dedicated in Phase 1 therefore appropriate credits will be given to the subdivider under the subdivision agreement.
- 13) The submitted plan as prepared by Ashenhurst Nouwens Ltd. and dated April 1, 1987 is satisfactory to the Departments of Transportation Services and Engineering, subject to the above-noted comments and recommendations."

2. Zoning Application

The following agencies have advised that they have no comment or objection:

City Building Department
Hamilton-Wentworth Department of Engineering
Hamilton Region Conservation Authority

The City Traffic Department has submitted the following comments:

"As per our comments regarding the recent subdivision application for this area (SA-87-11 attached) we will assume that if this application is approved the "C" property located adjacent to Stone Church Road will be development as reverse frontage.

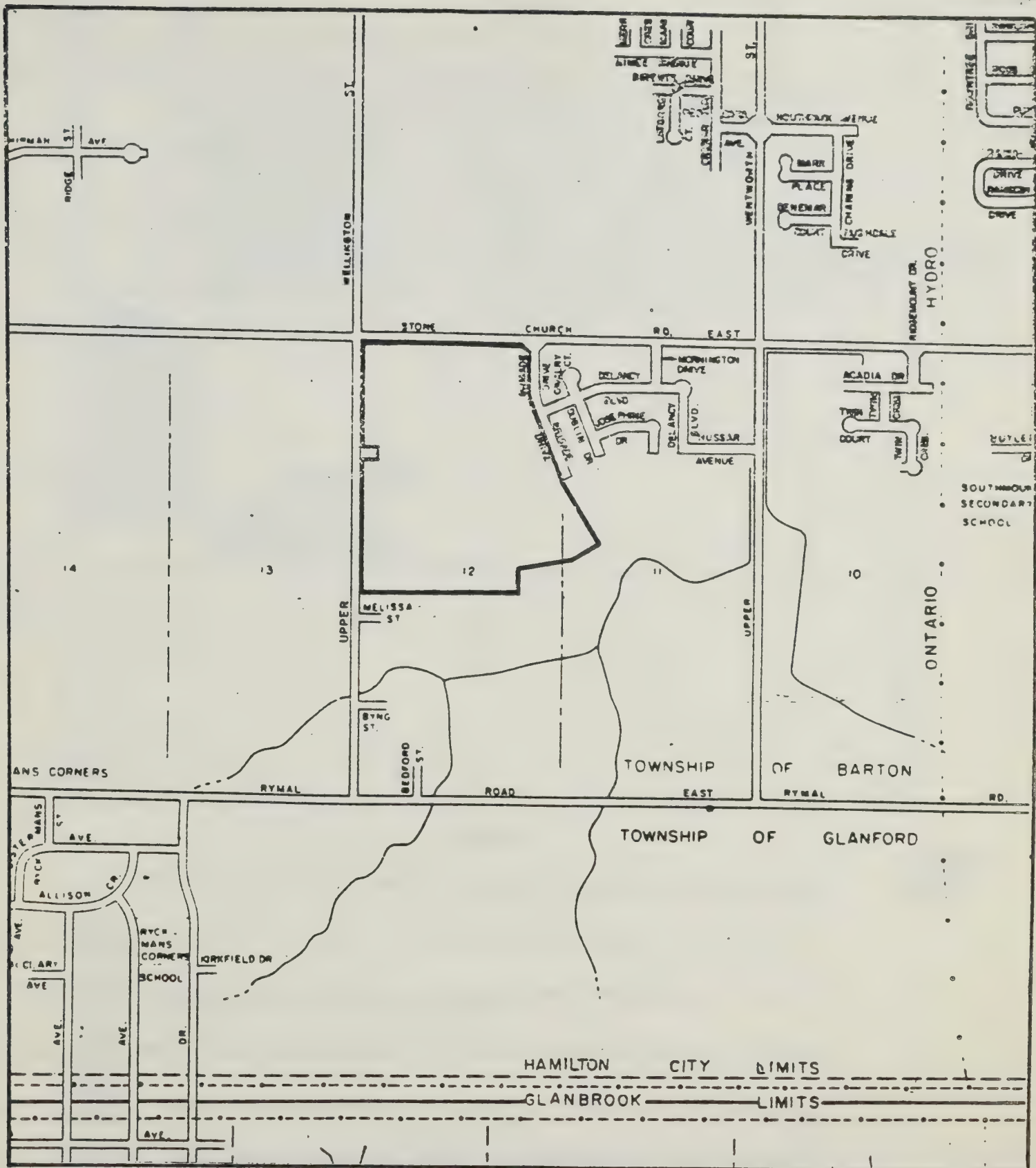
In regards to the specific application we have no objections however, we do note that the residential property adjacent to Upper Wellington Street is being proposed as "E-2" zoning instead of a townhouse designation as indicated on the above subdivision plan."

COMMENTS

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and proposed zoning amendments to implement the plan.
2. The conformity of the proposal with the Official Plans and the need for a Zoning By-law Amendment is noted.
3. To comply with the location and size of the Separate School site on the neighbourhood plan, Block 208 should be enlarged to include Lots 180 to 194 inclusive, now shown as Block "193".
4. To satisfy the Department of Engineering requirement regarding offset of local neighbourhood streets intersecting with arterial roads and to comply with the approved neighbourhood plan, the alignment of the street between Block "190" (commercial) and Block "191" (townhouses) at its intersection with Upper Wellington Street should be revised to abut the south limit of the existing private cemetery. Minor corner rounding, also required, should be shown.
5. The concern regarding fronting of single-family dwellings along Stone Church Road East was discussed at the time of consideration of Phase 1 of the Wellington Chase subdivision, the result being that 22 lots were draft approved and subsequently registered which have their access to said road. Therefore, the addition of the 17 lots fronting on Stone Church Road in Phase 2 appears appropriate and in compliance with the earlier approval.
6. The requirements of the commenting agencies can be implemented through the conditions of draft approval to be established by the Regional Municipality.
7. As noted by the Department of Engineering, parkland requirements for this phase of development were implemented through the Phase 1 Subdivision Agreement.

8. The zoning application should be amended for the area shown as Blocks 7 and 8 on APPENDIX "A" attached, to rezone these blocks to "RT-10" (Townhouse) District in keeping with the stated use on the draft plan and as the requested "E-2" (Multiple Dwellings) District could not be supported due to the development density which would be too high and the permitted maximum of 8 storeys which would be incompatible with the surrounding future single-family dwellings.
9. The neighbourhood plan road pattern and land use designations should be amended upon approval of the draft plan of subdivision and the subsequent zoning by-law amendment.

CMD/11



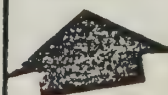
Location Plan For
WELLINGTON CHASE
 - PHASE 2 -

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend

 PROPOSED SUBDIVISION

North

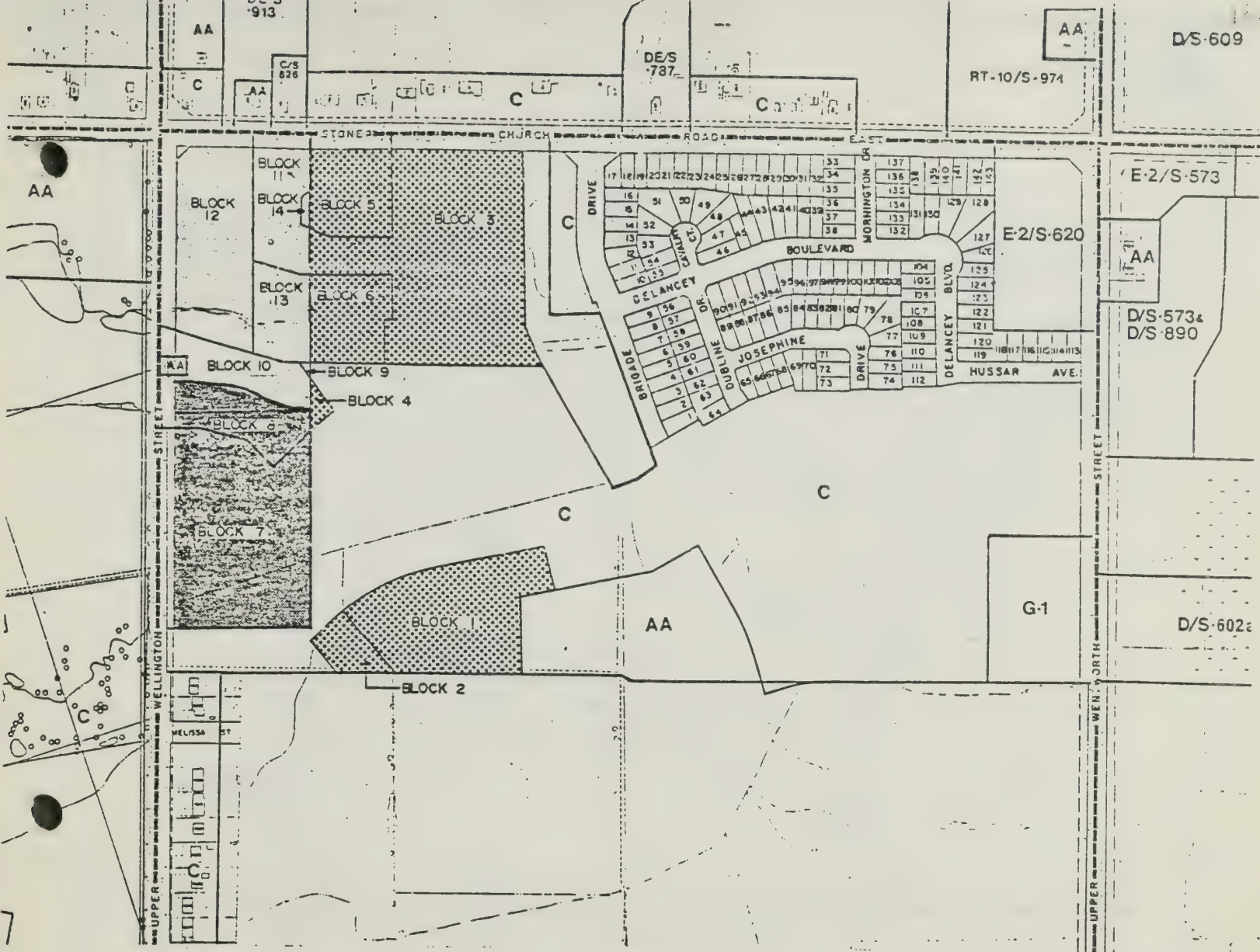


Scale
 N. T. S.

Date
 JULY 10, 1987

Reference File No.
 25T-87010

Drawing No.



LEGEND

LANDS FOR WHICH THE FOLLOWING CHANGES IN ZONING ARE PROPOSED:



- | | | |
|-----------------|--|--|
| BLOCK 1 | | "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT. |
| BLOCKS 2, 3 & 4 | | "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT. |
| BLOCKS 5 & 6 | | "RT-30" (STREET-TOWNHOUSE) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT. |
| BLOCK 7 | | "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "E-2" (MULTIPLE DWELLINGS) DISTRICT. |
| BLOCK 8 | | "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.) DISTRICT TO "E-2" (MULTIPLE DWELLINGS) DISTRICT. |
| BLOCK 9 | | "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT. |
| BLOCKS 10 & 11 | | "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.) DISTRICT TO "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT. |
| BLOCK 12 | | "E-2" (MULTIPLE DWELLINGS) DISTRICT TO "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT. |
| BLOCKS 13 & 14 | | "RT-30" (STREET TOWNHOUSE) DISTRICT TO "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT. |

14.

F O R A C T I O N

FROM Planning and Development Department

DATE September 23, 1987

TO Planning and Development Committee

Refer to File No. DA-87-48
 DA-87-56
 DA-87-60
 DA-87-62
 DA-87-68

Attention Of V. J. Abraham

BACKGROUND

The attached Site Plan Control Application have been approved by the Chairman of the Planning and Development and the Alderman of the Ward.

JPS/jd

FOR ACTION

FROM Planning and Development Department

DATE September 1, 1987

T0 Planning and Development Committee

Refer to File No. DA-87-60
(A:87-106)

DURAND NEIGHBOURHOOD

Attention Of Y. J. Abraham

PROPOSAL

Plans have been submitted for a 21 unit condominium project to be constructed at 87 Duke Street.

The seven storey building will be concrete with an acrylic emulsion finish with an overall pattern design. ✓

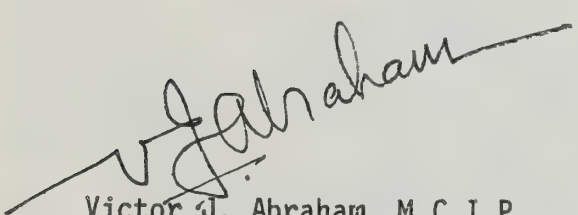
Parking for 21 vehicles is provided on a lower level with an entrance from Duke Street and an exit to Robinson Street by use of a right-of-way at the rear of the development.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-60 by Galwan Canada Limited, owner of the lands at 87 Duke Street for development of a 21 unit condominium apartment building subject to the following:

- (a) modifications to the plans related to dimensions, notes, increased vehicle exit doorway width and radii, grades and landscaping as marked in red on the plans;
- (b) approval by the Committee of Adjustment for the following variances:
 - (i) increase in the gross floor area from the maximum permitted 1469.23 m² to 1648.97 m²;
 - (ii) to permit side yards of 2.49 m to the residential structure instead of the required 2.81 m; and,
 - (iii) to permit the parking structure to project into the four (4) required yards and to delete any required setback.

- (c) to provide all such necessary information respecting the continued subsistence of the right-of-way in perpetuity and without impediment, as well as an expanded submission in support of the legal validity of the grant to the satisfaction of the City Solicitor.

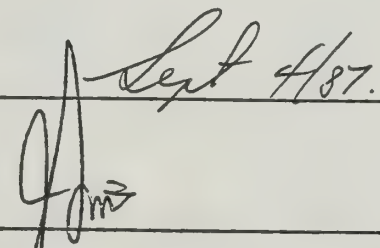
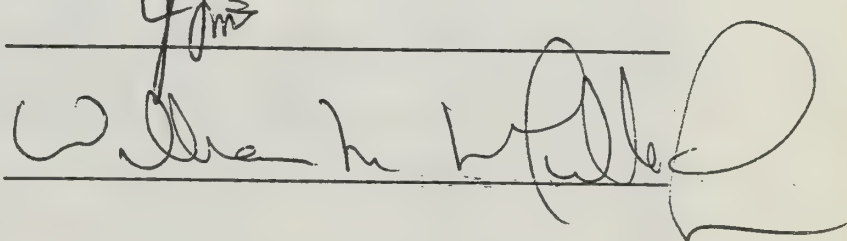

Victor J. Abraham, M.C.I.P.
Director of Local Planning

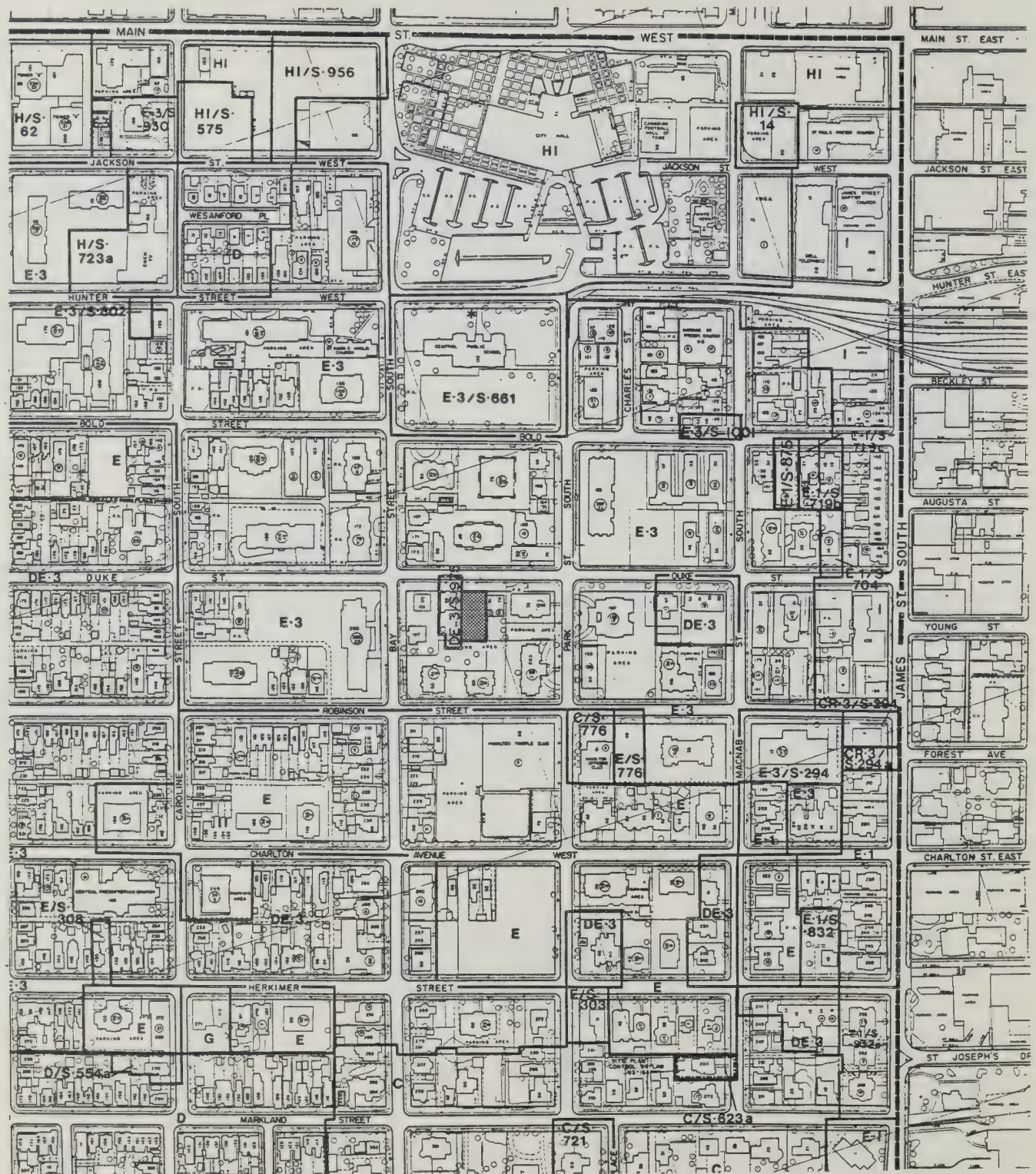
Approved On:

Alderman John Smith
Chairman

Alderman William McCulloch
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-60

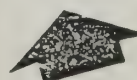
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
JUNE, 1987

Reference File No.
DA-87-60

Drawing No.
87-H-60

FOR ACTION

FROM Planning and Development Department

DATE September 1, 1987

TO Planning and Development Committee

Refer to File No. DA-87-62

HANNON NORTH
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for development of two industrial structures to be located at 30 and 46 Bigwin Road. The one-storey buildings have a total gross floor area of 2,415.5 m² (26,000 sq.ft.) and be constructed of decorative concrete and standard concrete block. Parking for 55 vehicles and 2 loading spaces are provided on the site.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-62 by Ablaka Development Limited, prospective owner of the lands at No. 30 and 46 Bigwin Road for development of an industrial complex subject to the following:

- a) modification to the plans related to dimensions, notes, and landscaping as marked in red on the plans; and,
- b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

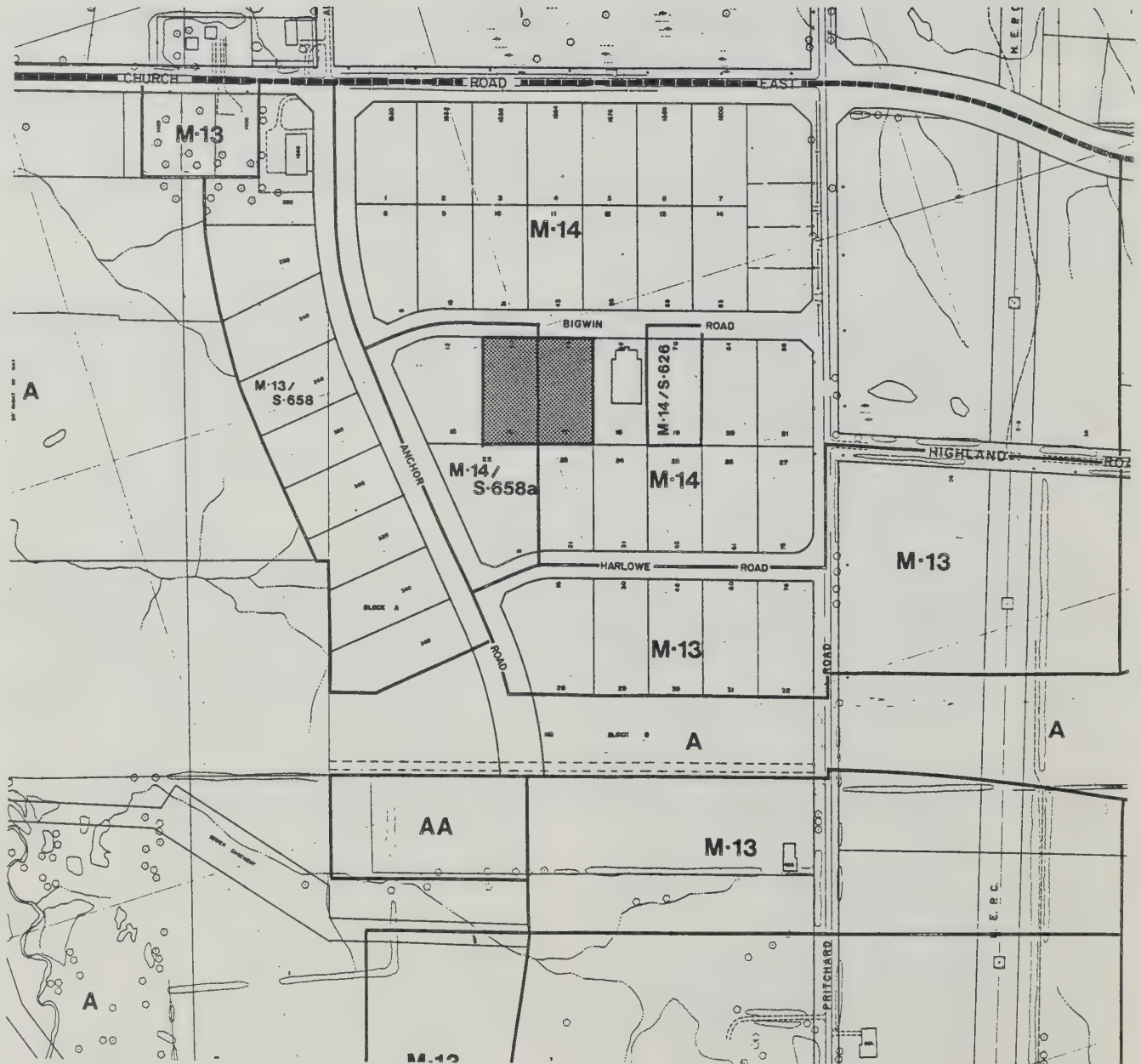
Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

62 HANNON NORTH



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-62

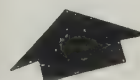
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
JUNE, 1987

Reference File No.
DA-87-62

Drawing No.
87-H-62

FOR ACTION

FROM Planning and Development Department

DATE

August 26, 1987

TO Planning and Development Committee

Refer to File No.

DA-87-48
(DA-86-37)
LAWFIELD
NEIGHBOURHOOD

Attention Of

V. J. Abraham

PROPOSAL

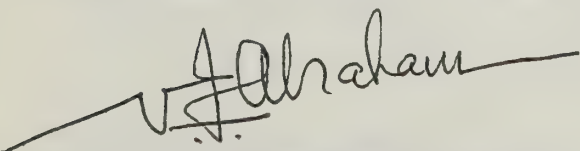
Plans have been submitted for development of a one-storey commercial structure to be located at the north-west corner of Upper Gage Avenue and Lockton Crescent. One main access is proposed from Upper Gage Avenue with a right-turn-in/left-turn-out access at the rear of the building from Lockton Crescent. A connection is also proposed at the front of the stores to the existing plaza to the north.

The plaza which is to be developed in two phases will consist of a building area of 2955 m² (31,813 sq.ft.), parking for 176 vehicles and one loading space.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-48 by Landawn Shopping Centres (National) Limited, owner of the lands located at the north-west corner of Upper Gage Avenue and Lockton Crescent for development of a commercial plaza subject to the following:

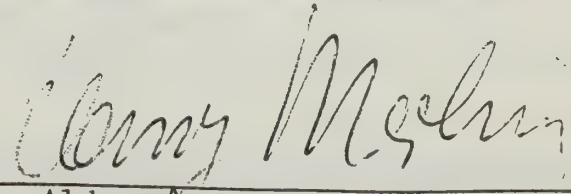
- a) modification to the plan related to dimensions, notes, turning radii, and landscaping as marked in red on the plans;
- b) modification to the plan related to details of development of the abutting existing plaza to the north to the satisfaction of the Building Department at the time of the building permit; and,
- c) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

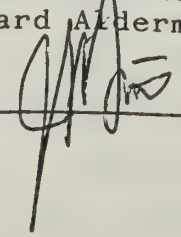

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

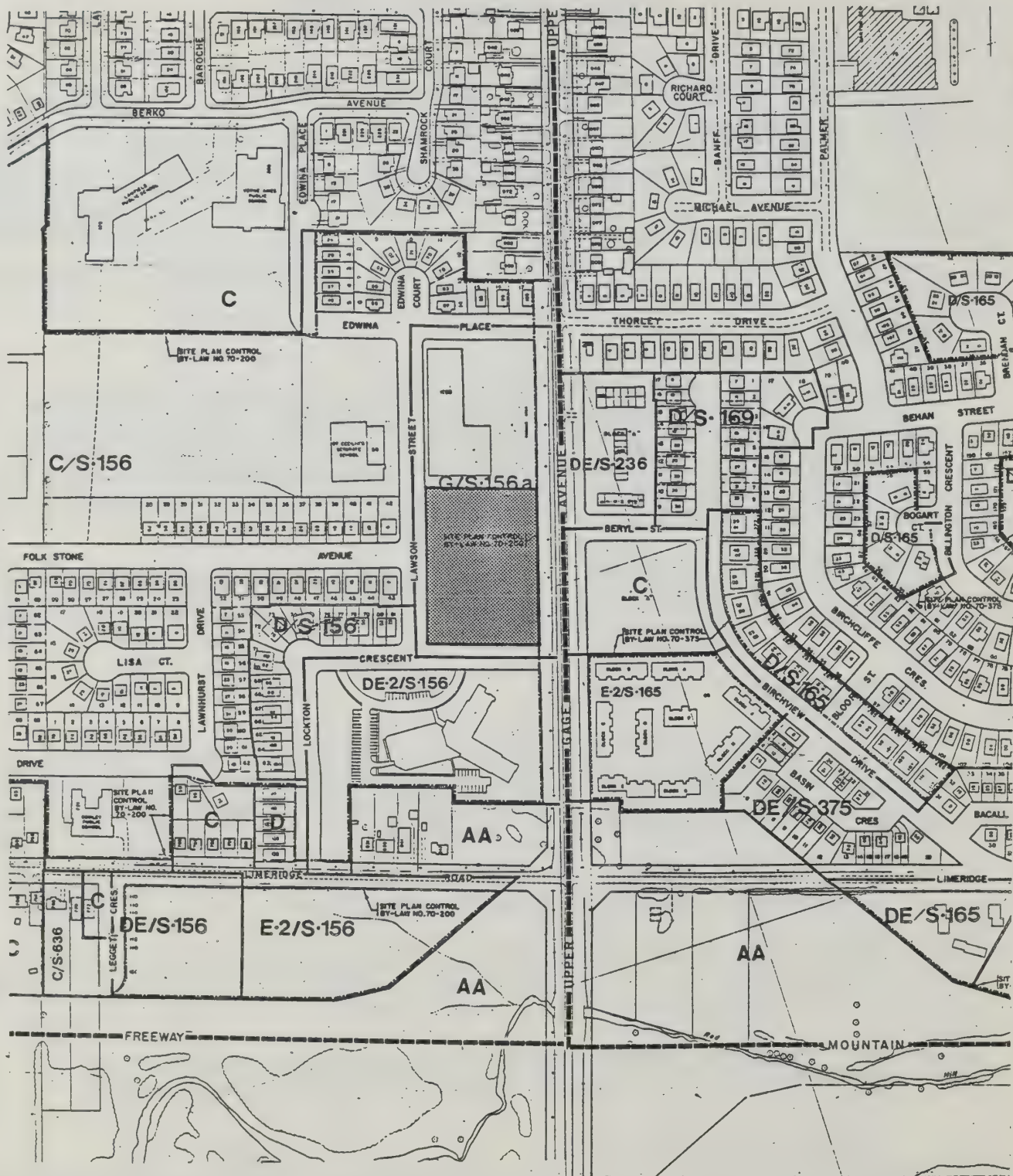
Alderman John Smith
Chairman

VJA/JPS/jd
W.P.DOC.0390P


Alderman Henry Merling
Ward Alderman


Sept. 9/87

96 LAWFIELD



96 LAWFIELD

PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-48

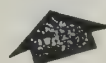
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY 1987

Reference File No.
DA-87-48

Drawing No.
87-H-48

F O R A C T I O N

FROM Planning and Development Department

DATE September 14, 1987

TO Planning and Development Committee

Refer to File No. DA-87-68
WESTDALE SOUTH
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

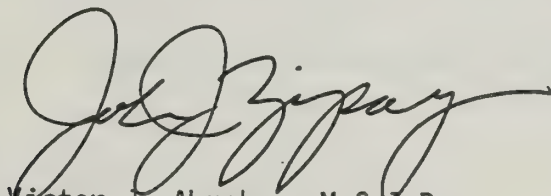
Plans have been submitted for development of a 63 unit motor inn to be developed at 649 Main Street West. The three storey brick building will be constructed adjacent to Main Street West with parking for 74 vehicles located at the rear of the lot.

The landscape design provides a variety of shrubs and trees throughout the site to enhance the building and streetscape.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-68 by V. Tandarich, owner of lands at 649 Main Street West for development of a three storey Motor Inn facility subject to the following:

- a) modification to the plans related to notes and landscaping as marked in red on the plans.



Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman

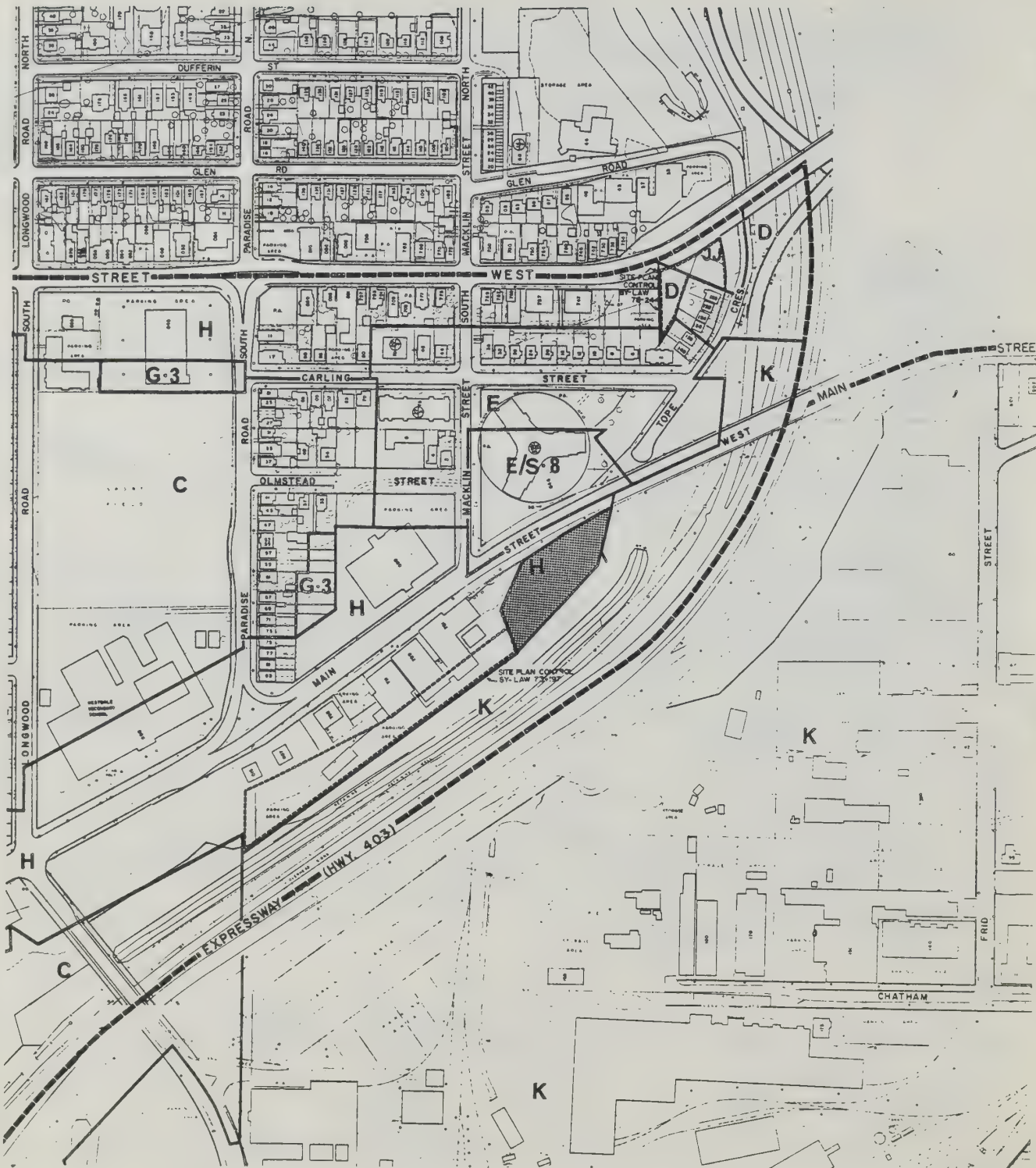
Alderman Terry Cooke
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

Sept. 15/87
[Signature]
Terry Cooke

136 WESTDALE SOUTH

92 KIRKENDALL NORTH



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-68

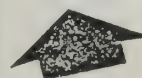
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
AUG., 1987

Reference File No.
DA-87-68

Drawing No.
87-H-

FOR ACTION

FROM Planning and Development Department

DATE September 11, 1987

TO Planning and Development Committee

Refer to File No. DA-87-56
STRATHCONA
NEIGHBOURHOOD

Attention Of V. J. Abraham


PROPOSAL

Plans have been submitted for a one-storey structure for retail stores and a medical office to be located at 17 Dundurn Street South. The building will have a total gross floor area of 425 m² (45.75 sq.ft.) and parking on the lot for 12 vehicles.

RECOMMENDATION

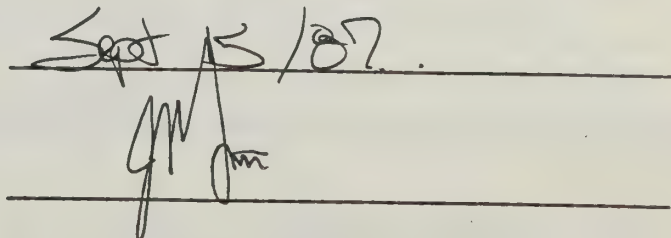
That approval be given to Site Plan Control Application DA-87-56 by Victoria Adamako, owner of lands at 17 Dundurn Street South, for development of a retail-medical complex subject to the following:

- a) modification to the plans related to dimensions, notes and landscaping as marked in red on the plan; and,
- b) dedication to the Region of Hamilton-Wentworth a 10 foot strip of land for road widening purposes from the south limits of Parts 9 on Reference Plan 62R-3186, to the south limits of the subject land.
- c) submission of a revised landscape plan to the satisfaction of the Director of the Planning and Development Department.

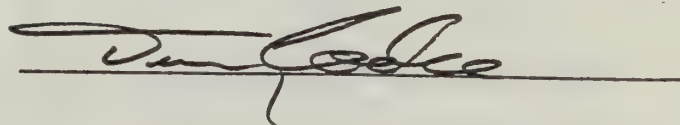

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

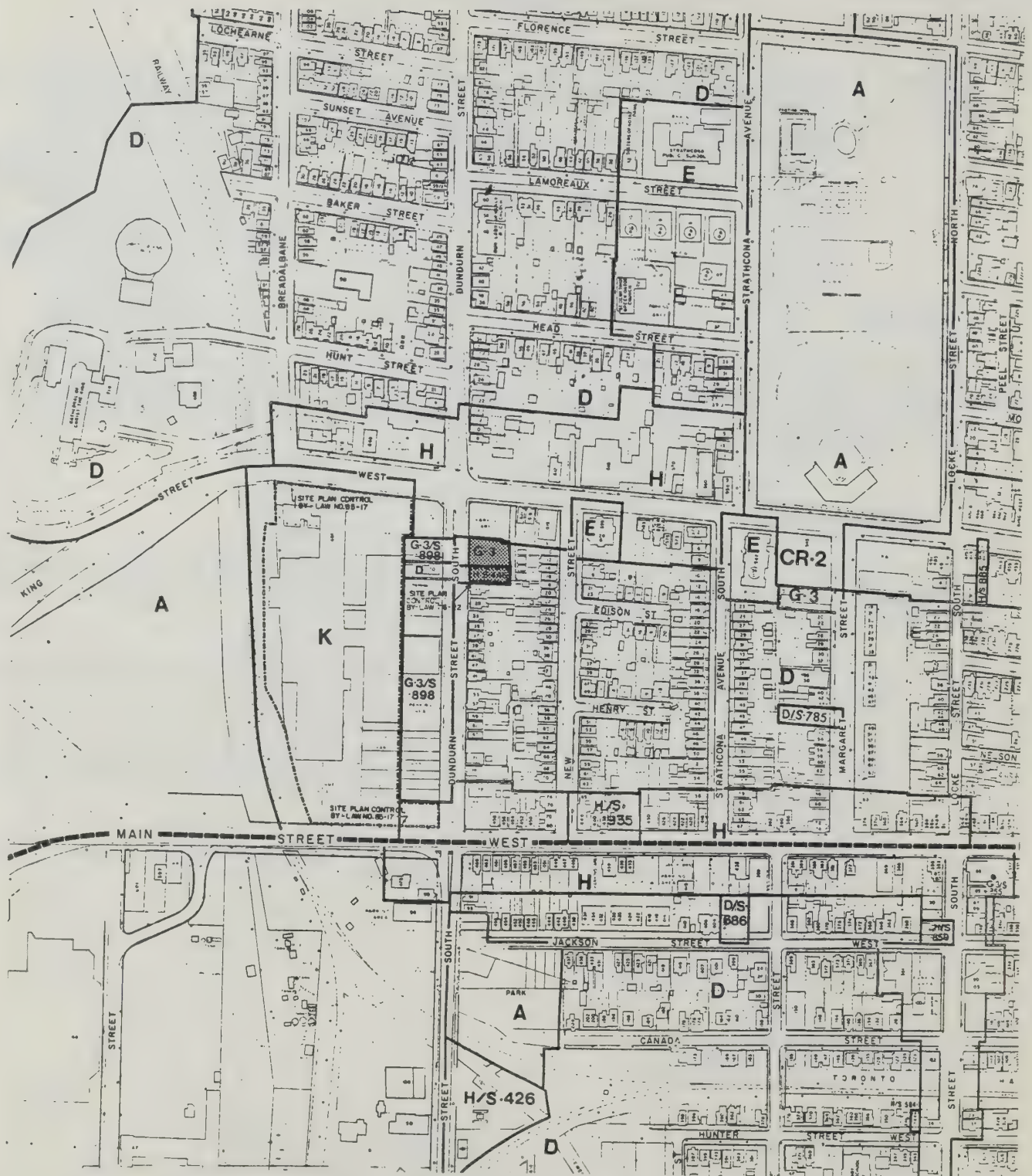
Alderman John Smith
Chairman



Alderman Terry Cooke
Ward Alderman



VJA/JPS/jd
W.P.DOC.0390P



92 KIRKENDALL NORTH

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-52

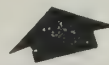
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
JUNE, 1987

Reference File No.
DA-87-56

Drawing No.
87-H-54

FROM: Planning and Development Department

DATE: September 22, 1987

T0: Planning and Development Committee

Refer to File No. 25T-87021

SA-87-16

Temp 1 emead
Neighbourhood

Attention V. J. Abraham

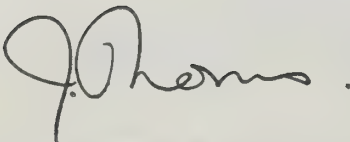
SUBJECT

Application to the Region for approval of a draft plan of subdivision,
Regional File No. 25T-87021, City of Hamilton File No. SA-87-16, to establish
25 lots for single-family dwellings.

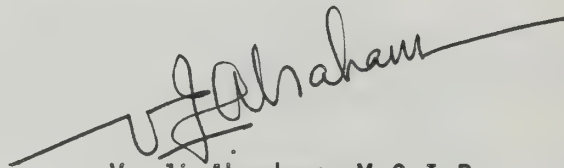
RECOMMENDATION

- a) That approval be given to Application SA-87-16, 456941 Ontario Ltd., owner, to establish a draft plan of subdivision along Independence Drive and Templemead Drive, subject to the following conditions:
1. That this approval apply to the plan prepared by A. J. Clarke and Associates dated April 10, 1987, showing 25 lots.
 2. That the final plan conform with the Zoning By-law approved under The Planning Act.
 3. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 4. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 5. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.
 6. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of final release by the City of Hamilton.
 7. That this plan not be registered prior to the passing of a by-law which would establish the abutting roads as public highways.
 8. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-16), 456941 Ontario Ltd., owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

OWNER

456941 Ontario Ltd., c/o Frank Silvestri, Hamilton, Ontario

SURVEYOR

A. J. Clarke and Associates Ltd., Hamilton, Ontario

LOCATION

The lands, comprising 1.158 ha, are located along the east side of Independence Drive and along the east and west sides of Templemead Drive in the Templemead Neighbourhood, being parts of Lot 5, Concession 8, Township of Barton, now in the City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 25 lots for single-family dwellings to be serviced from Independence Drive and Templemead Drive. The minimum lot size would have a width of 12.17 m and an area of 440 m².

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned "C" (Urban Protected Residential, etc.) District. The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - single and double". The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment
Ministry of Citizenship and Culture
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Bell Telephone
City of Hamilton Board of Education
City Traffic Department
City Building Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations

- "1) Lots 1 to 16 (inclusive) can be serviced to existing sewers and watermains on Templemead Drive.
- 2) Lots 17 to 25 (inclusive) will have to await the extension of sewers on Independence Drive from their existing location within the "Templemead No. 2 Survey" lands to the south.
- 3) Lots 17 to 25 (inclusive) can be serviced to the existing watermains on Independence Drive, located at the north limit of this proposed draft plan.
- 4) Independence Drive, adjacent to Lots 17 to 25 (inclusive), is to be established as a public road allowance, in conjunction with the registration of the Final Survey Plan for these lots.
- 5) The 0.3 metre reserves on Templemead Drive adjacent to Lots 1 to 16 (inclusive), is to be incorporated into the road allowance in conjunction with the registration of the Final Survey Plan for these lots. The

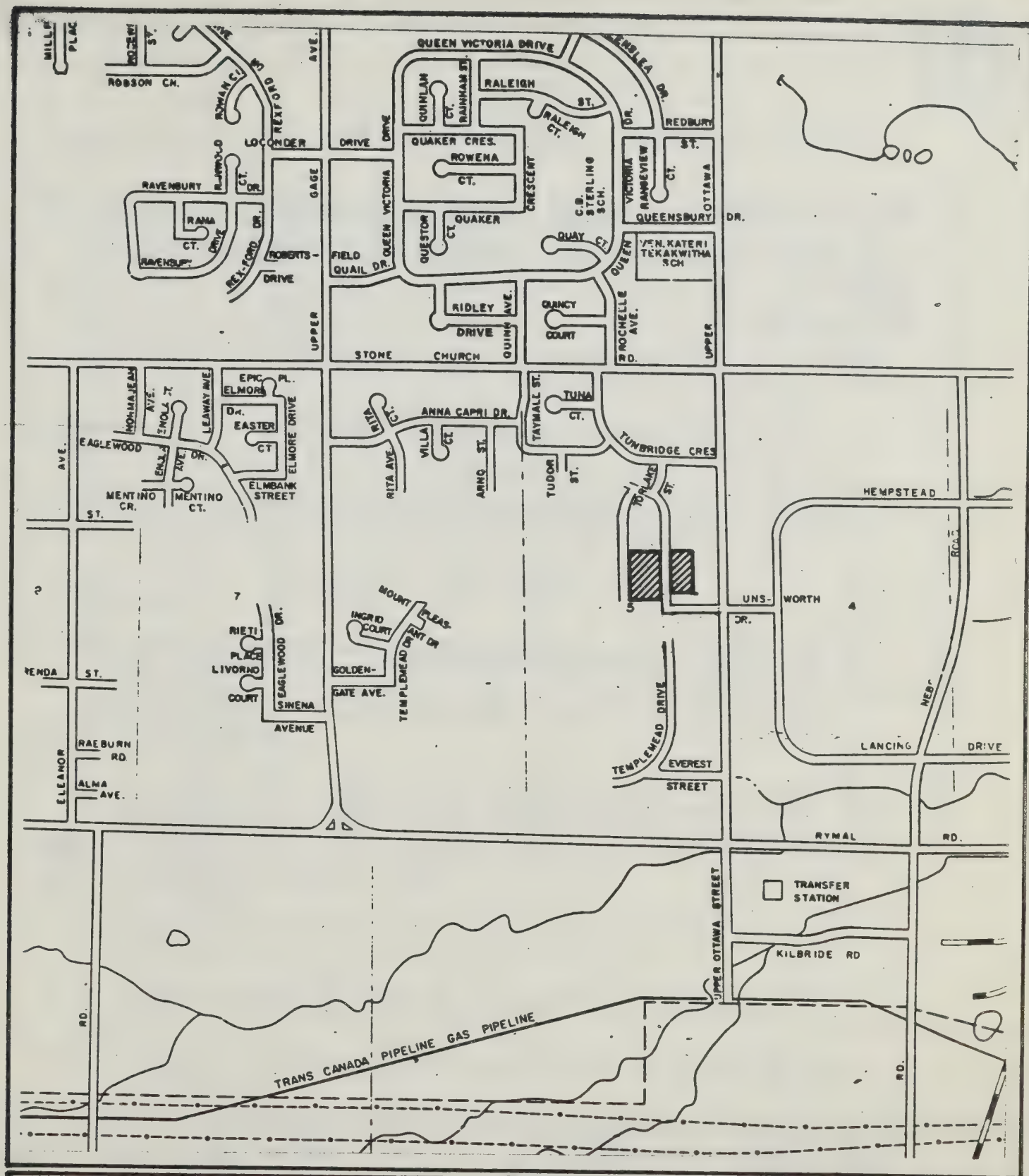
Subdivider will be required to pay for the cost of existing City and Regional services associated with these reserves under the subdivision agreements.

- 6) The Developer is to enter into subdivision agreements with the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of the subject lands.
- 7) The submitted plan, as prepared by A. J. Clarke O.L.S. and dated April 10, 1987 is satisfactory to the Departments of Engineering and Transportation, subject to the above-referenced comments and recommendations. "

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
2. As no part of the subject lands are designated for park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu-of land.
3. The abutting road allowances have been acquired by the City and they should be established as public highways by By-law prior to final approval of the subdivision.

CMD/jd



Location Plan For

TEMPLEMEAD GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



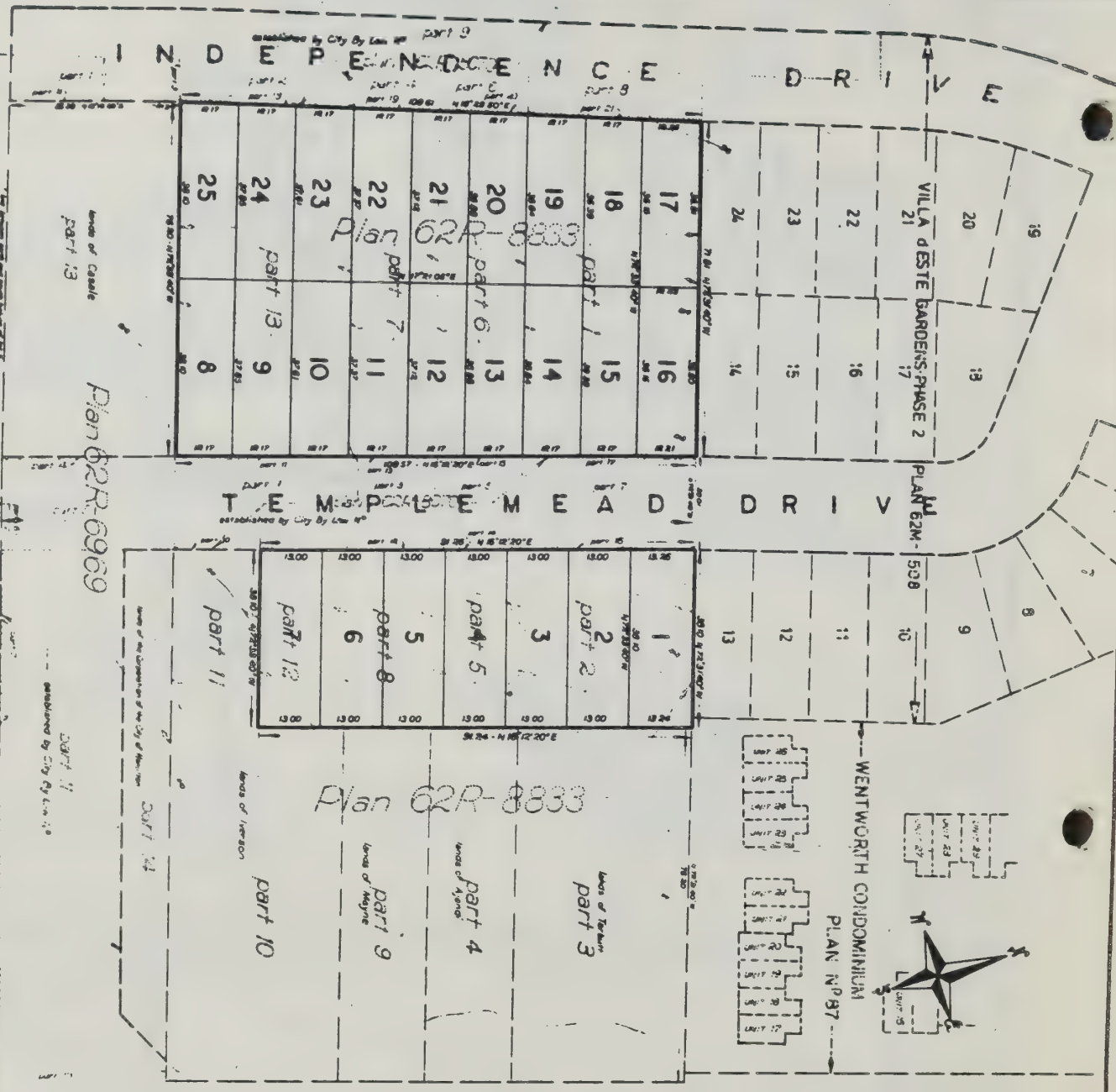
Scale
1" = 1000'

Date
JUNE 24, 1987

Reference File No.
25T-87021

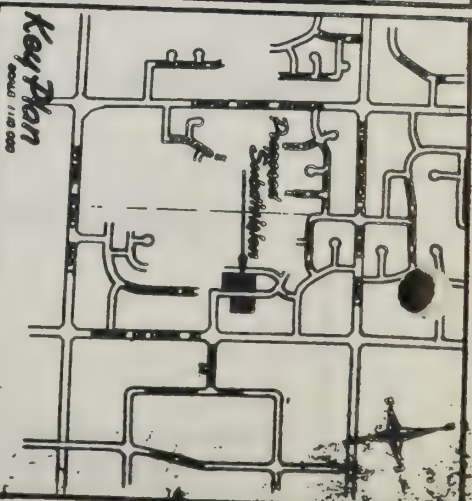
Drawing No.

Lot 5 Concession 8. Geographic Township of Barton



SIGNAL ROAD ALLOWANCE BETWEEN LOTS 4 & 5 U P P E R O T T A W A S T R E E T

UNSWORTH DRIVE



Draft Plan of:

TEMPLEMEAD GARDENS

PART OF LOT 5 - CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON

CITY OF HAMILTON

PROPOSED MUNICIPALITY OF HAMILTON - WESTERN

AG Order 0-25-1987

Note: THIS IS A DRAFT PLAN ONLY AND SUBJECT TO REVISION AND AMENDMENT

Notes: DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND ONLY BE CONVERTED TO FEET BY DIVIDING BY 0.3048

To Owner: 250,000.00 (250,000.00) - See Planning Code

- 1. Address on map
- 2. Address on map
- 3. Address on map
- 4. Address on map
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- 23. Address on map
- 24. Address on map
- 25. Address on map

Surveyor's Declaration:

I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner, and that the same is in accordance with the provisions of the Survey Act, R.S.O. 1980, Chapter 166, and the Regulations made thereunder.

Surveyor's Signature:

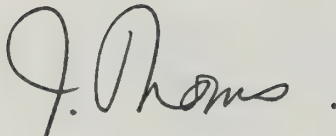
1. I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner, and that the same is in accordance with the provisions of the Survey Act, R.S.O. 1980, Chapter 166, and the Regulations made thereunder.

2. I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner, and that the same is in accordance with the provisions of the Survey Act, R.S.O. 1980, Chapter 166, and the Regulations made thereunder.

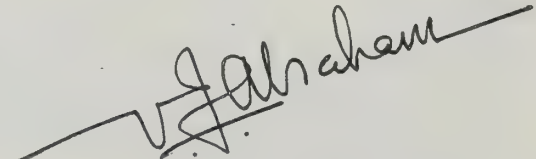
3. I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner, and that the same is in accordance with the provisions of the Survey Act, R.S.O. 1980, Chapter 166, and the Regulations made thereunder.

4. I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner, and that the same is in accordance with the provisions of the Survey Act, R.S.O. 1980, Chapter 166, and the Regulations made thereunder.

8. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
9. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
 - a) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-17) F. Husack Ltd. and Di Cenzo Construction Company Ltd., owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

OWNER

Frank Husack Ltd. and Di Cenzo Construction Co. Ltd., Hamilton, Ontario

SURVEYOR

A. J. Clarke & Associates Ltd., Hamilton, Ontario

LOCATION

The lands, comprising 3.411 ha, are located north of Stone Church Road West, east of Amalfi Street, south of Greencedar Drive and west of Greenguild Avenue, in the Gurnett Neighbourhood, being part of lot 55, Concession 3, Township of Ancaster, now in the City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 59 lots for single-family dwellings and three blocks for development with adjacent lands.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - attached housing, single and double". The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned for the proposed development. The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment
Ministry of Citizenship and Culture (subject to standard condition)
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas, Bell Canada
City of Hamilton Board of Education
City of Hamilton Traffic Department
City of Hamilton Building Department

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1) The proposed subdivision can generally be serviced to the existing sanitary and storm sewers located at the easterly limit of the subdivision. Lots 23, 24 and 56 can be serviced directly into the existing services on Amalfi Drive.
- 2) The proposed subdivision can be serviced to existing watermains located on the abutting streets.

- 3) The Developer is to acquire from the City of Hamilton and incorporate into the plan of subdivision, the 0.3 metre reserve known as Block "I" on Plan 62M-221 which is adjacent to Amalfi Drive.
- 4) The 0.3 metre reserves known as Block "56". Plan 62M-377 and Parts 2 and 3, Plan 62R-8403 are to be incorporated into the respective road allowances in conjunction with the registration of the Final Plan of Subdivision.
- 5) The property line radius of the road allowance in front of Lots 55 and 56 be increased to a 100 m radius as shown on the attached plan.
- 6) The proposed draft plan be amended in accordance with the neighbourhood plan in the vicinity of Lot 57 and Block 62.
- 7) The applicant is to enter into subdivision agreements with both the Region of Hamilton-Wentworth and the City of Hamilton prior to any development of these lands.
- 8) The proposed draft plan dated June 2, 1987 and prepared by A. J. Clarke & Associates is satisfactory to the Departments of Engineering and Transportation Services subject to the above-noted comments and recommendations.

For your information:

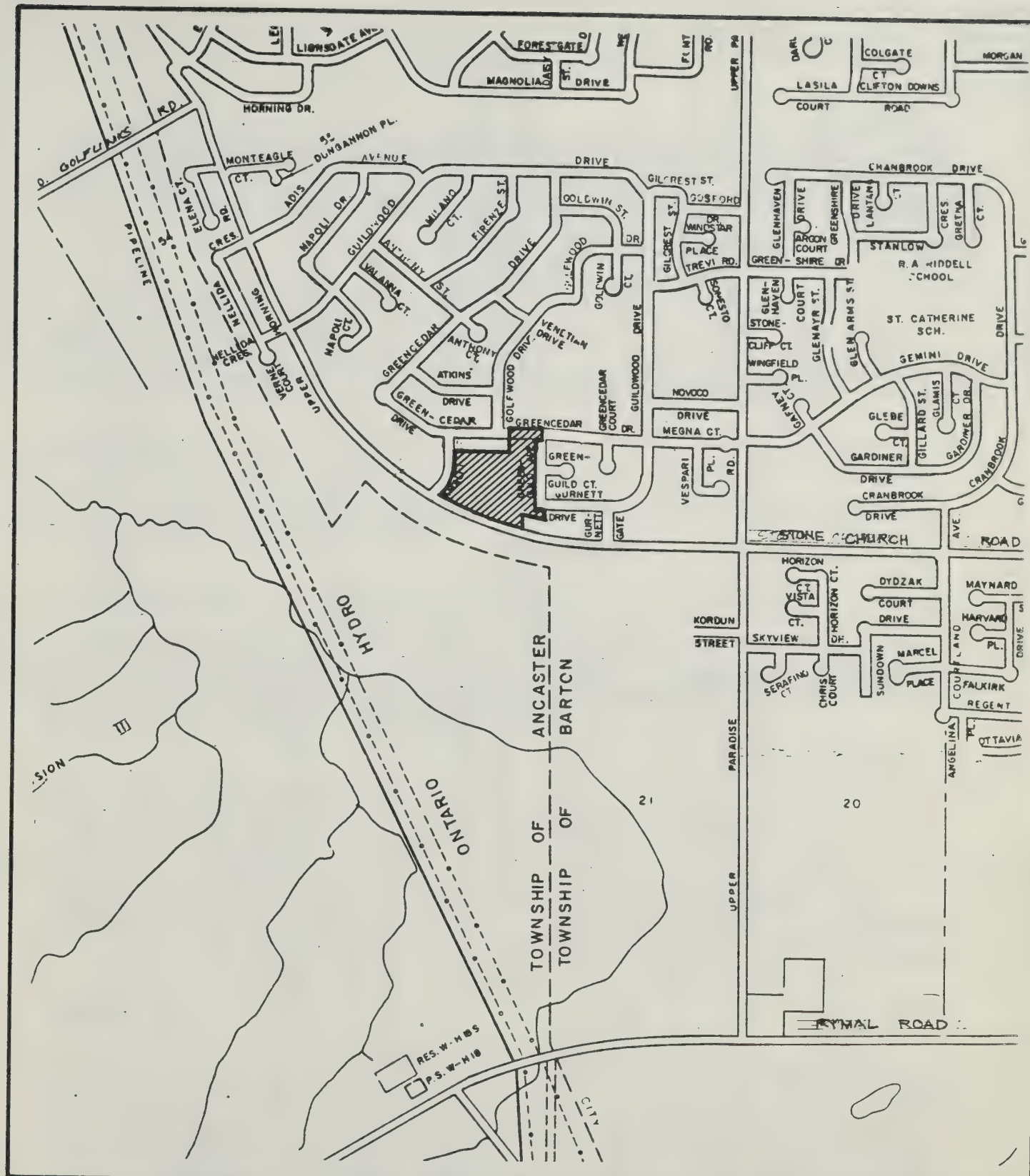
Regional share for services is estimated to be \$10,000;

The acquisition and relocation of the streets in the vicinity of Lots 57 to 59 is required to implement the neighbourhood plan. This has been approved by City Council. A sketch of the street layout has been enclosed for your information.

A more detailed plan of the proposed streets can be obtained from the Regional Survey Section."

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
2. As no part of the subject lands is designated for park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. The proposed plan was revised to show a radius of 100 m along the front lot line of Lots 55 and 56 and by providing a link between Upper Horning Road and Stone Church Road as shown on the approved Neighbourhood Plan.
4. The requirement of the Ministry of Citizenship and Culture can be implemented through the condition of draft approval by the Regional Municipality.



Location Plan For

ALMAS GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1" = 1000'

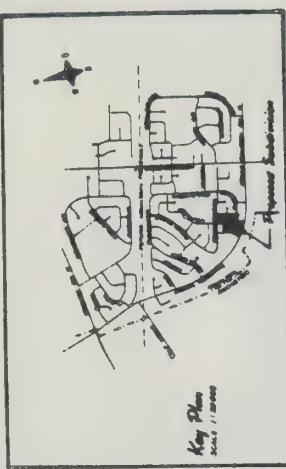
Reference File No.

25T - 87022

Date

JUNE 24, 1987

Drawing No.



Draft Plan of:

Almas Gardens phase 5

being a proposed subdivision of
BLOCK "I" (11 lots) (see map) ALMAS GARDENS (P.M. 1)
REGISTERED PLAN NO. M. 181
AND
PART OF LOT 55 - CONCESSION 3
GEORGIC TOWNSHIP OF ANCASTER
CITY OF HAMILTON
MUNICIPALITY OF HAMILTON

Scale 1:1,250
a7 Circle O.L.S. 1967

Notes:

THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

Notes:

CONTRACTS FOR THE ROAD AND THE SUBJECT ARE TO BE COMPLETED BY THE END OF 1967

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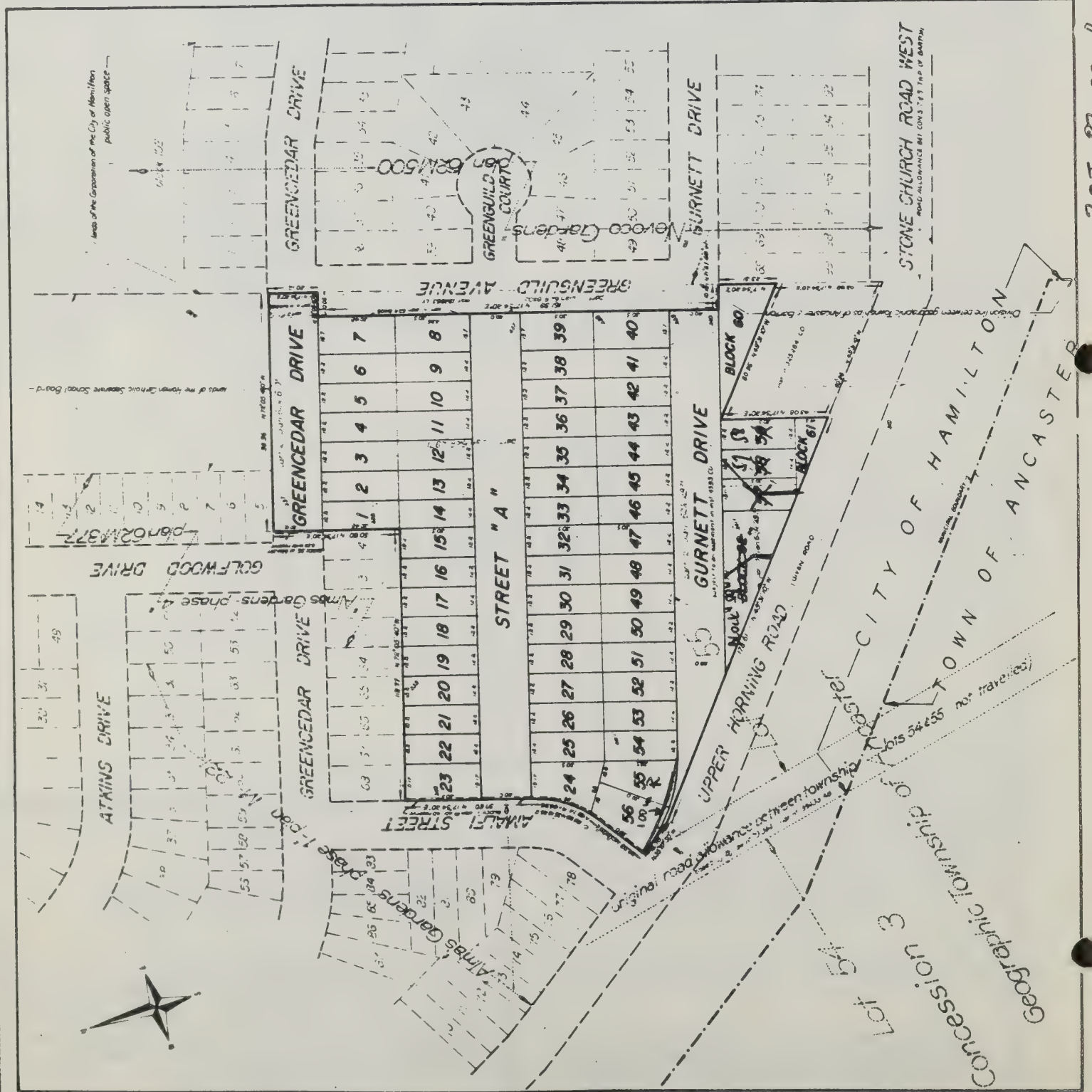
CONTRACTS FOR THE ROAD AND THE SUBJECT ARE TO BE COMPLETED BY THE END OF 1967

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CONTRACTS FOR THE ROAD AND THE SUBJECT ARE TO BE COMPLETED BY THE END OF 1967

Notes:

CONTRACTS FOR THE ROAD AND THE SUBJECT ARE TO BE COMPLETED BY THE END OF 1967



25T-87022 Revised SA-8707

A.J. CLARKE & ASSOCIATES LTD.
ENGINEERS AND SURVEYORS
HAMILTON ONTARIO

FROM: Planning and Development Department

Date: September 9, 1987

TO: Planning and Development Committee

Refer to file: P5-2-110

Attention of: V. J. Abraham

SUBJECT

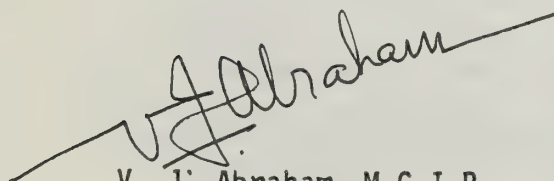
Proposed change of land use designation for Quinndale Neighbourhood.

RECOMMENDATION

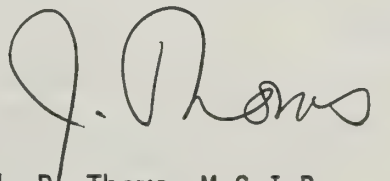
That the Commercial land use designation as shown on the approved Quinndale Neighbourhood Plan be re-affirmed.

EXPLANATORY NOTE

The owner of 578 Queen Victoria Drive has sent a letter to the Planning and Development Committee suggesting a Neighbourhood Plan Amendment to revise the land use designation from Commercial to Attached Housing, for the lands south of Loconder Drive East of Upper Gage Avenue.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

INTRODUCTION

On July 9, 1987, Mr. W. J. Galdenzi of 568434 Ontario Incorporated, owner of the property known as 578 Queen Victoria Drive, sent a letter to the Planning and Development Committee suggesting a neighbourhood plan land use designation change from Commercial to Attached Housing for the lands south of Loconder Drive between Upper Gage Avenue and Queen Victoria Drive. He would like the area developed for Attached Housing rather than Commercial because, in his opinion, there is an overabundance of Commercial land available for development. He feels that existing and prospective property owners would prefer to have this area designated for Residential which would be more compatible with surrounding residential uses (see Appendix 1 for correspondence).

On July 15, 1987, the Planning and Development Committee recommended that staff review the request (see Appendix 2 for Minutes).

The land use change request from Commercial to Attached Housing was circulated to the following:

- o Mr. and Mrs. H. Johnson - 1275 Upper Gage Avenue;
- o Mr. & Mrs. I. Johnson - 1279 Upper Gage Avenue; and,
- o Mr. & Mrs. A. Boaigo - 1285 Upper Gage Avenue.

(See Appendix 3 for a copy of the letter circulated, ownership map, and a copy of the approved neighbourhood plan).

The owners of 1275 and 1285 Upper Gage Avenue have indicated that the area should remain commercial as shown on the approved Quinndale Neighbourhood Plan.

The owner of 1279 Upper Gage Avenue indicated that he is in favour of changing the commercial land use designation to residential.

ANALYSIS

When Mr. Galdenzi purchased 578 Queen Victoria Drive as part of Upper Gage Avenue, he was aware that the land use designation is Commercial and requires land assembly. He owns approximately 10 percent (0.213 acres) of the affected lands. In addition, the owner of 1279 Upper Gage Avenue owns approximately 31 percent (0.647 acres) of the affected lands, and supports Mr. Galdenzi's proposal.

The Commercial land use designation has been shown on the Quinndale Neighbourhood Plan since it was approved in 1971. The property owners of approximately 59 percent (1.211 acres) of the affected lands would like the land use designation to remain Commercial.

This designated neighbourhood Commercial Area when developed, will provide area residents with goods and services to meet their daily needs. There are few other Neighbourhood Commercial designations in the immediate area.

Although Mr. Galdenzi has indicated that there is a need for additional Attached Housing on these lands, there is an adequate supply of this form of housing in the area.

This area has been designated for Commercial for over fifteen (15) years, most residents are aware of the preferred land use. With proper buffering, any development on these lands can be made sensitive to surrounding residential uses.

However, if the properties are assembled changes to the land use designation could be considered, at that time.

GG/dkp

WP 0342P



galwân canada limited

Delivered by Hand

July 9, 1987

Planning and Development Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario

Attention: Mr. Henry Merling
Alderman - Ward 7

RE: PROPERTIES LOCATED AT
UPPER GAGE AVE. & LOCONDER DRIVE

I wish to identify myself as the president of 568434 Ontario Inc., a company which owns property to the east of Upper Gage Avenue and the north of Loconder Drive, in the City of Hamilton.

This land is about to be developed to suit forty-four (44) residential units; that is fourteen (14) single family homes, eight (8) freehold townhouses and twenty-two (22) condominium townhouses.

Through my investigation of the properties located to the south of Loconder Drive, which properties are under different ownership, it has been learned that these lands are designated as "Commercial", but presently zoned as "C" (Residential) and "AA" (Agricultural).

It was also learned that the lands were designated as "Commercial" in 1976.

I wish to offer comments with respect to our development and the proposed future use of the lands to the south of our development:

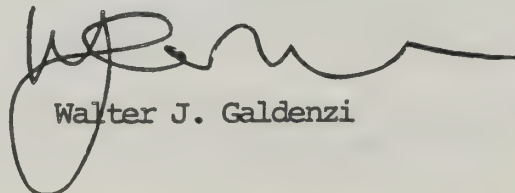
- a) the present designation of "Commercial" is inappropriate. Consideration should be given to a new designation of "Residential" to be suited by an "RT-20", "RT-30" similar in nature to our development;
- b) a new designation of "Residential" would be more compatible with the present surrounding developments;

- c) there is presently an overabundance of commercial lands available for development, in the area. By removing the "Commercial" designation from the lands across from our development, other more suitable commercial lands could be more properly utilized;
- d) purchasers of our future residential units have expressed their preferences in having residential units rather than commercial use across from them. These future home owners would also like to see a redesignation from "Commercial" to "Residential";
- e) as the current owner of the property located at Upper Gage Avenue and Loconder Drive, I could not support any commercial use in the neighbourhood;
- f) there is a greater need at the present time for affordable housing similar in nature to our development, rather than commercial development;
- g) a period of approximately eleven (11) years has passed, since the lands were originally designated "Commercial"; perhaps as times have changed over these years, a more appropriate "Residential" designation should be considered;
- h) as a developer, I would be most interested in assembling the lands across from our development for the purposes of residential use rather than commercial. Having spoken with the owners of the properties to the south of Loconder Drive, their interests in selling their lands would be better suited if residential use rather than commercial use would be undertaken.

Having expressed my concerns in this letter, I ask that this information be brought to the attention of the City Planning and Development Committee and be placed on the agenda for the July 15, 1987 meeting.

We ask that consideration be given by the Committee to redesignating these "Commercial" lands to "Residential" lands, similar in nature to our development and/or developments in the neighbourhood.

Yours truly,



Walter J. Galdenzi

WJG:ln

MEMORANDUM • CITY OF HAMILTON

TO : Mr. V. Abraham
Director of Local Planning

YOUR FILE:

FROM : Susan K. Reeder, Acting Secretary
Planning and Development Committee

OUR FILE :

SUBJECT : Properties Located at
Upper Gage Avenue and
Loconder Drive

DATE : 1987 August 12

At the last meeting of the Planning and Development Committee held on Wednesday, 1987 July 15, correspondence received from Mr. Walter J. Galdenzi, Galwan Canada Limited, was received by Alderman Merling and forwarded to the Committee for attention.

The Committee agreed to refer this matter to the Planning Department for a report.

Attached herewith is that letter and I would request your comments on this matter for consideration by the Planning and Development Committee.

Your attention to this matter is most appreciated.

Susan K. Reeder.
SKR:jf

c.c. Alderman H. Merling

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		Received AUG 18 1987		
TO	STAFF INIT.	INFO.	ACT.	
DIR.	BA			
PR & A.				
NEIGH.	BJ			
DEV.				
E & U.D.				
STAFF				
CART.				
ADMIN.				

APPENDIX 3



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

July 16, 1987

Refer to File No.

P5-2-110

Attention of

Your File No.

Mr. and Mrs. Johnson
1275 Upper Gage Avenue
Hamilton, Ontario
L8W 1E5

Dear Sir/Madam:

Re: Proposed Change of Land Use Designation
Quinndale Neighbourhood Plan

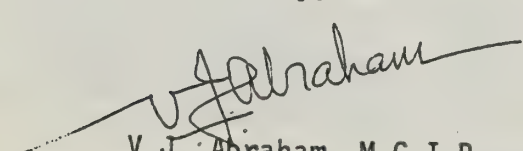
On July 9, 1987, Mr. W.J. Galdenzi of 568434 Ontario Inc. sent a letter to The Planning and Development Committee suggesting a neighbourhood plan land use designation change from commercial to attached housing for the lands south of Loconder Drive between Upper Gage Avenue and Queen Victoria Drive (see attached maps and correspondence).

On July 15, 1987 The Planning and Development Committee recommended to staff review the request.

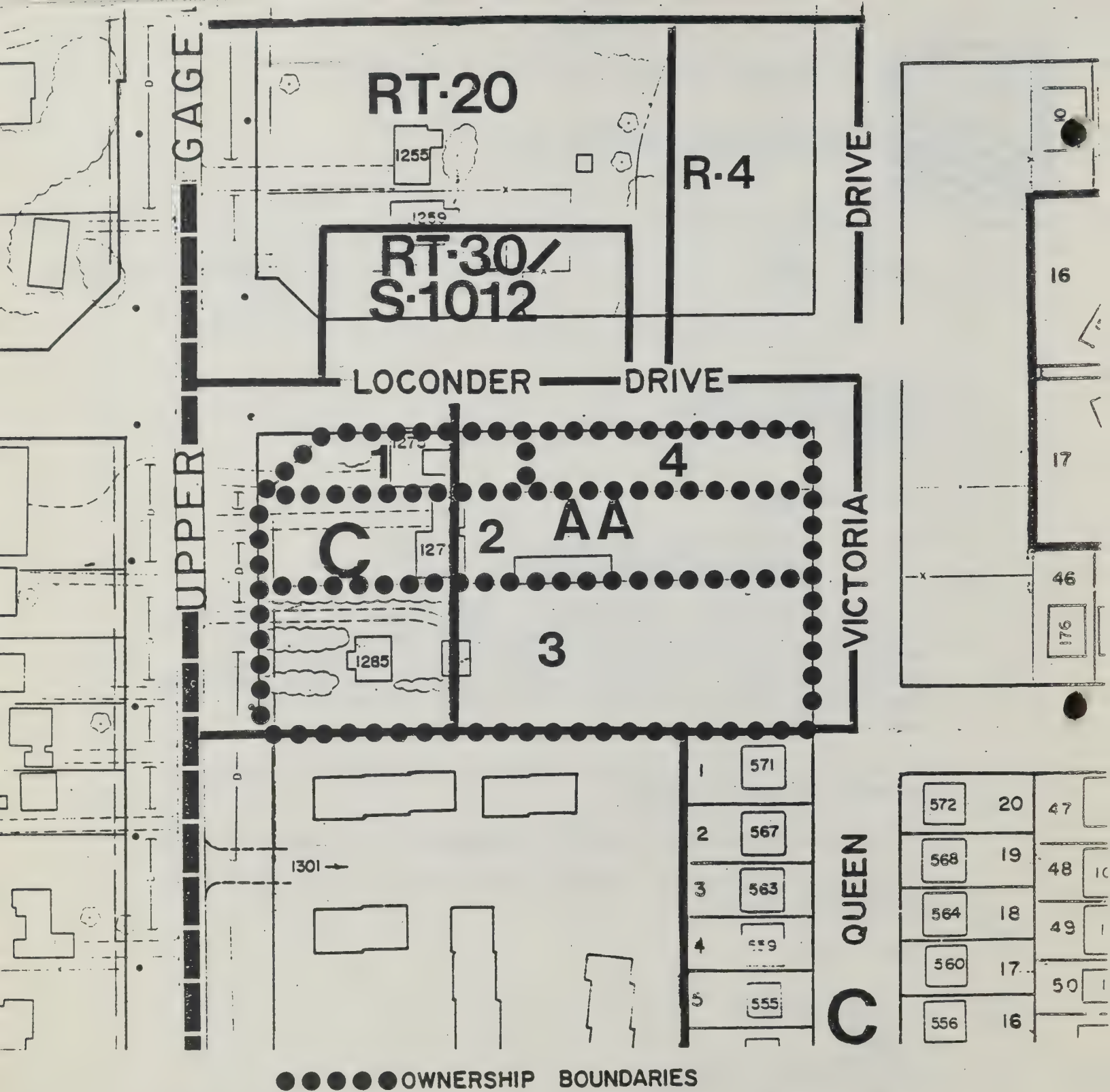
We would appreciate your comments and suggestions by August 15, 1987.

If you have any questions or would like a meeting, please call Gerry Groppler at 526-4146.

Yours truly,


V.J. Abraham, M.C.I.P.
Director of Local Planning

GG/sl
WP 0055P



	PROPERTY OWNER	ADDRESS	APPROXIMATE LOT AREA (in acres)	%
1	Mr. & Mrs. H. Johnson	1275 Upper Gage Avenue	0.174	0.09
2	Mr. & Mrs. I. Johnson	1279 Upper Gage Avenue	0.647	0.31
3	Mr. & Mrs. A. Boaigo	1285 Upper Gage Avenue	1.037	0.50
4	Mr. W.J. Galdenzi (568434 Ontario Inc.)	578 Queen Victoria Drive	0.213	0.10
TOTAL			2.071	100

APPENDIX 4

Hamilton, Ontario

July 27, 1986

Mr. V. J. Abraham
Director of Local Planning

Sir:

Please be advised that we the undersigned, being the registered owners of the property known as 1275 Upper Gage Avenue in the City of Hamilton, Ontario, do strongly oppose to change the land use designation on our property from Commercial to Residential as proposed in file # P5-2-110.

Original Signed By:

Mr. H. Everett
and
Mrs. Hilda B. Johnson

/dkp

14th Aug. 1987

Isaac Johnson
 1279 Upper Baze Ave.
 Hamilton, Ontario.

L8W-1E5

To Mr. Groppler:-

Please accept our apology for this repeat letter. The letter sent to you on the 11th Aug was written with the understanding that Mr. Senard was still the owner of 1285 upper Baze Ave, as we have been very friendly with the Senard family for a long time, we respected his wish to keep his property suggested commercial, and went along with him on that. But as we have a desire to stay here the rest of our lives, we think it would be very misleading to you & also to any real estate agent that had ideas of purchasing this property for commercial use. So we would ~~appreciate~~ appreciate it very much if you would destroy the letter you received from us on the 11th Aug. & respect our desire to have this property zoned residential.

Yours sincerely

Isaac Johnson
 Anne Johnson

USA

1 B.J. PJ

2 GG



15 KING STREET WEST
TORONTO, ONTARIO
M5H 1B4

TEL: (416) 860-
TELEX 06-219695

August 13, 1987

Mr. V. R. Abraham
Regional Municipality of Hamilton-Wentworth
Planning & Development
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Abraham

I am in receipt of a letter dated July 16, 1987, and addressed to Mr. and Mrs. Leonard, 183 Grove Park Dr., Burlington. The Leonards have sold their property to a group of investors, which I represent.

I wish to register our strong opposition to any change in designation and will resist any attempt to do so. It is our intention to develop the property in the future. It should be noted that the land has to be assembled and the present owner of 1279 Upper Gage does not wish to participate in any development at this time, whether commercial or residential.

I would appreciate being informed of any proposed change or any meetings affecting our property and can be reached at 15 King St., West, Suite 1800, Toronto M5H 1B4 (1-860-5798).

Sincerely,


Dick Hodgins
Montreal Trust
Property Investment & Development

DH/fa

1	KA
2	BJ
	44

FOR ACTION

18.

FROM: Planning and Development Department

DATE: September 8, 1987

TO: Planning and Development Committee

Refer to File No. P5-4-7-15

Attention Of V. J. Abraham

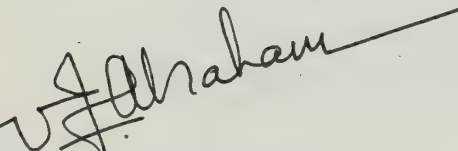
SUBJECT

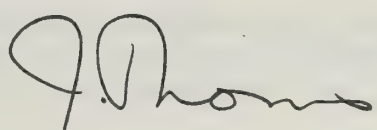
High Density Residential Development Study, Phase 2

RECOMMENDATION

That the Draft Interim Report for the High Density Residential Development Study be received for information.

That the Planning and Development Department be directed to proceed with Phase 2 of the High Density Residential Development Study.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

On April 29, 1987, the Planning and Development Committee approved the Terms of Reference for the High Density Residential Development Study. Phase 1 of this Study, focussing upon the collection of background data, is complete. Phase 2, which is already programmed and funded, now requires Planning and Development Committee approval, to meet the Provincial deadline of April, 1988.

BACKGROUND

A study on High Density Residential Development in the Central Area has been included in the 1987 Work Program. This study originally was recommended at a joint meeting of LACAC, CAPIC, the Durand Neighbourhood Association and the Durand Neighbourhood Plan Advisory Committee. The Hamilton Real Estate Board and the Chamber of Commerce have also indicated their support for the Study.

The City applied for and received a \$35,000 Community Planning Grant from the Ministry of Municipal Affairs, to cover 50% of Study costs.

The Planning and Development Committee directed the Planning and Development Department to proceed with this Study on April 29, 1987.

A draft interim report, containing the necessary background information, has been completed, as has a set of inventory panels.

SUMMARY OF BACKGROUND REPORT - AREAS INVESTIGATED AND CONCLUSIONS

1. High Density Housing: Supply and Demand

- o The extent and distribution of lands within the Central Area zoned for high density residential development (E, E-1, E-2, E-3, LMR-2) was determined.
- o The high density housing stock was analysed, and changes in this stock over time were determined.
- o Extent of demand for new High Density Residential in Hamilton as a whole and the Central Area, in particular, was determined.
- o Changes in household composition and income, trends in the availability of alternative forms of housing, and anticipated growth rates, were analysed.

Observations:

- o Lands zoned for high density residential developments and high density units are over-represented in the Central Area.
- o Within the Central Area, the Durand and Corktown neighbourhoods have the greatest concentrations of high density residential lands and development.
- o The rate of growth in the high density housing stock recently has declined significantly.
- o Changes in the housing market have created a high demand for high density housing, in Hamilton as a whole and especially in the Central Area.

2. Concerns Regarding High Density Housing

- o Impacts of High Density Residential upon aspects of the urban environment such as the following were identified:
 - preservation of existing building stock
 - preservation of streetscapes
 - view corridors
 - parking

o Observation:

City land use policy and regulations must determine which of these are of importance, and address them.

3. Policies, Programs and Regulations Pertaining to Central Area Housing Policy

- o City land use policies and regulations affecting High Density Residential development were analysed.
- o Other legislative initiatives affecting the High Density Residential housing stock were identified.
- o Observations:
 - land use policy generally addresses the need for new high density residential development and the design issues listed above;
 - new designations for lands zoned for High Density Residential within the Durand Neighbourhood remain to be completed;
 - the Zoning By-law generally encourages more High Density Residential development, but does not implement planning policy in other respects (e.g. - Central Area Plan support for lower rise, "human scale" High Density Residential development);
 - other policies, programs and regulations generally encourage the preservation of the existing building stock and support the retention of a mix of different income groups.

PHASE 2 WORK PROGRAM

Analysis to be Conducted

- o Review of policies and regulations of other municipalities
- o Analysis of site-specific impacts of alternative forms of high density residential development, utilizing the building designs generated by the Consultant in assessing the costs to landowners and developers and zoning changes.
- o Survey of public attitudes towards high density residential development and its form.

Identification of Options for Action

- o The background report indicates City Land Use Policy generally addresses the need for more High Density Residential development in the Central Area, along with the design problems associated with that form of development. These policies, however, frequently are not implemented fully. A primary objective of Phase 2, therefore, is to identify ways in which the City could modify its policies, by-laws, and regulations to achieve the objectives of its Land Use Policies.

- o Below, areas of conflict between Land Use Policies and other policies, by-laws and regulations are identified, and options which could revise the extent of this conflict are outlined. Details of the Land Use Policies and zoning by-law are found in Section 4 and Appendix C of the Background Report. These options will be fully examined in Phase 2 of the report.

New High Density Residential Development

Planning policy supports new High Density Residential development in the Central Area. The Zoning By-law supports this objective by including an extensive amount of land within the High Density Residential Zones presently not used for high density housing, but which could be redeveloped. Two problems, however, are evident: (i) most of the land is found in the southern part of the Central Area; and (ii) most of the land is currently occupied. Development must be preceded by demolition and clearance.

OPTION:

- 1) Rezone additional areas for high density residential uses. Special attention should be focused upon currently vacant or underutilized land. A number of suitable sites in Central and Beasley Neighbourhoods may be identified.

Preservation of the Existing Building Stock

Planning Policy supports the preservation of the existing building stock through infilling, adaptive reuse, and building rehabilitation. The Zoning By-law generally discourages the first two of these in High Density Residential zones, while other programs and regulations generally encourage the third.

OPTIONS:

- 2) Modify the Zoning By-law to permit infilling behind or between existing structures. Reductions in minimum frontage would be required in situations where a laneway is the only part of an interior lot fronting onto a public roadway. Reductions in minimum lot size would be required to accommodate severed properties around the periphery of the lot.
- 3) Modify the Zoning By-law to permit additional commercial uses in the High Density Residential Zones, providing that they are pedestrian and community oriented. Older buildings, therefore, could be preserved through giving them a new function.
- 4) Increase the number and size of grants and loans under the Hamilton Rehabilitation Program, and encourage the utilization of the Assured Housing Program.
- 5) Give more publicity to the rehabilitation programs administered by the City.

Income Mix

Planning policy supports a mixture of families with different incomes in the Central Area. At present, the Rental Housing Protection Act, the Assured Housing Program and the Demolition Control Bylaw encourage this, but more could be done.

OPTIONS:

- 6) Offer developers density or other bonuses in exchange for turning over a portion of the units in a new development to a social housing agency. This could partially reverse the trend toward having new residential units only within the reach of upper income households.
- 7) Provide funding for new social housing projects.

Views

Planning policy supports the protection of views of the Escarpment. The Zoning By-law only supports this to a limited extent, through restricting building height close to the escarpment.

OPTIONS:

- 8) Establish view protection standards to be used as a criteria in assessing zoning applications; a basis for zoning changes; or as criteria in the Site Plan Control process.

Shadow Casting

Planning policy sees the minimization of the effect of shadows cast upon adjacent properties as an important planning objective. However, at present, neither the Zoning By-law nor any other by-law or regulation addresses the issue of shadow casting.

OPTIONS:

- 9) Develop shadow casting standards and have them incorporated into the Zoning By-law, or have such standards as the base for a separate by-law.
- 10) Develop shadow casting standards and have them incorporated into the Site Plan Control process.

Microclimate

Planning policy states that new development should take into account any impact upon the microclimate which would effect adjacent properties or the pedestrian environment. Special attention is centred upon wind effects. Currently, there are no provisions for implementing this.

OPTION:

- 11) Develop wind effect standards and incorporate them into a separate by-law, the Zoning By-laws or the Site Plan Control process.

Building Height

Planning policy supports a mixture of densities, particularly low-rise, high density development as an alternative to high rises. The Zoning By-law, however, encourages developers to build high-rise structures, if they are to achieve the maximum permitted densities.

OPTIONS:

- 12) Create new high density residential zones, to be applied to new areas of High Density Residential development. These zones would permit the same density as the existing E and E-3 zones, (either with or without the landscape bonus) but would have reduced permitted heights and greater permitted lot coverages in exchange for reduced landscape requirements and yard requirements.
- 13) Rezone areas currently zoned E and E-3 to the new zoning categories outlined in Option 8.
- 14) Retain the existing zoning, but offer developers reductions (on a site-by-site basis) in the landscape requirement or in yard requirements, in exchange for lower building heights. In effect, developers would be offered houses in exchange for building high-density low-rise developments instead of high-rises.

Compatibility in Form

Planning policy supports the principle that new developments should be compatible with surrounding development in terms of form. However, within the High Density Residential Zones, large multiple family high-rise structures are permitted adjacent to smaller-scale, low-rise residential development. Furthermore, there are no provisions for maintaining streetscapes through ensuring uniform setbacks, etc.

OPTIONS:

- 15) Make the nature of existing development a criterion in determining which areas should be rezoned for High Density Residential development (see Option 1), along with the nature of the rezoning (see Option 12).
- 16) Modify the zoning of lands currently zoned for High Density Residential development which encompass or are adjacent to existing low-rise development, to encourage compatibility. (e.g. - heights could be reduced while maintaining the same density - see Option 12 and 13).
- 17) Use the Site Plan Control process to encourage compatibility through considering features such as front yard setbacks and building spacing.

Human Scale

Planning policy encourages development which respects the human scale. However, neither the Zoning By-law nor the Site Plan Control process provide for this.

OPTIONS:

- 18) Offer the developer density or other bonuses for including design elements such as the following:
 - o setbacks above ground level, especially above 2 floors
 - o "expression lines" that divide up the facade vertically
 - o different parts of a structure set back different distances from the street
- 19) Consider the above in the Site Plan Control Process.

Green Space

Landscaped areas should be maintained around large residential buildings. The Zoning By-law encourages this, but does not regulate the quality of the landscaped area.

- 20) Consider the amount of green space in the immediate vicinity in any decision to rezone a piece of property in a way that reduces the amount of landscaped area available.
- 21) On sites where reduced building height is desirable, but where a reduction in the landscaped area is undesirable, permit a developer to have part of the landscaped requirement above ground level (on the roof or on a terrace in a building with a "stepped" design). Alternatively, part of the landscaped area could be situated under the building, although the quality of this space would have to be regulated carefully.
- 22) Consider the quality of landscaping for a new developments at the Site Plan Control Stage.
- 23) As part of the development agreement, turn responsibility for landscaping surrounding a new development over to the City.

Heritage Conservation

Planning policy supports the preservation of buildings and districts of historical and/or architectural merit. The Zoning By-law, however, generally discourages building preservation through restricting densities and uses. The Property Standards By-law does the same through making conversions difficult. Neither the Zoning By-law nor the Site Plan Control By-law provides for compatible development within heritage areas.

OPTIONS:

- 24) Modify the Zoning By-law to permit more commercial uses in the High Density Residential Zone (see Option 3), or modify the Zoning By-law on a site-specific basis to permit such uses. Compatibility with residential uses would be a key consideration.
- 25) Modify the Zoning By-law on a site-specific basis to permit higher densities on properties containing heritage buildings. Infilling, therefore, would be more possible, in exchange for the preservation of the heritage building.
- 26) Relax certain provisions of the Property Standards By-law (e.g. - ceiling heights) to permit the conversion of heritage structures.
- 27) Allow a developer greater densities on one site in exchange for preserving a heritage building on another.
- 28) Encourage further the designation of structures under the Heritage Act.
- 29) Employ the requirements of Site Plan Control to ensure that new development in heritage areas is compatible with existing development.
- 30) Encourage the establishment of additional heritage districts.

Traffic

Planning policy contends that uses which generate heavy traffic should be kept to the periphery of neighbourhoods. The current zoning generally does not reflect this.

OPTIONS:

- 31) In considering neighbourhood plan amendments and rezoning proposals that would permit high density residential development, proximity to the periphery of the neighbourhood will be one factor in the decision.

Parking

Planning policy argues that all the parking needed for a new development should be provided on-site. The Zoning Bylaw requirement for on-site parking spaces per multiple residential unit which applies to most of the Central Area may not be sufficient.

OPTIONS:

- 32) Increase to 1.0 the number of spaces required for each new multiple residential unit.
- 33) To increase the amount of greenspace, require that all new high density residential developments have all their parking underground or beneath the building.

City Development Initiatives

- o Phase 2 will consider the possibility of launching demonstration projects, either independently, with other levels of government, or with private developers. This would, in turn, stimulate additional innovative development.
- o Such projects would incorporate all or some of the concerns outlined above.

Policy Initiatives

- o Phase 2 will provide guidance for the establishment of designations and policies for high density residential development in the Durand Neighbourhood Plan, deferred under the current review.
- o The current land use policies also will be reviewed, to make them address more clearly the need for additional High Density Residential and the design problems associated with that form of development. Furthermore, it might be necessary to modify policies to permit some of the courses of action outlined above.

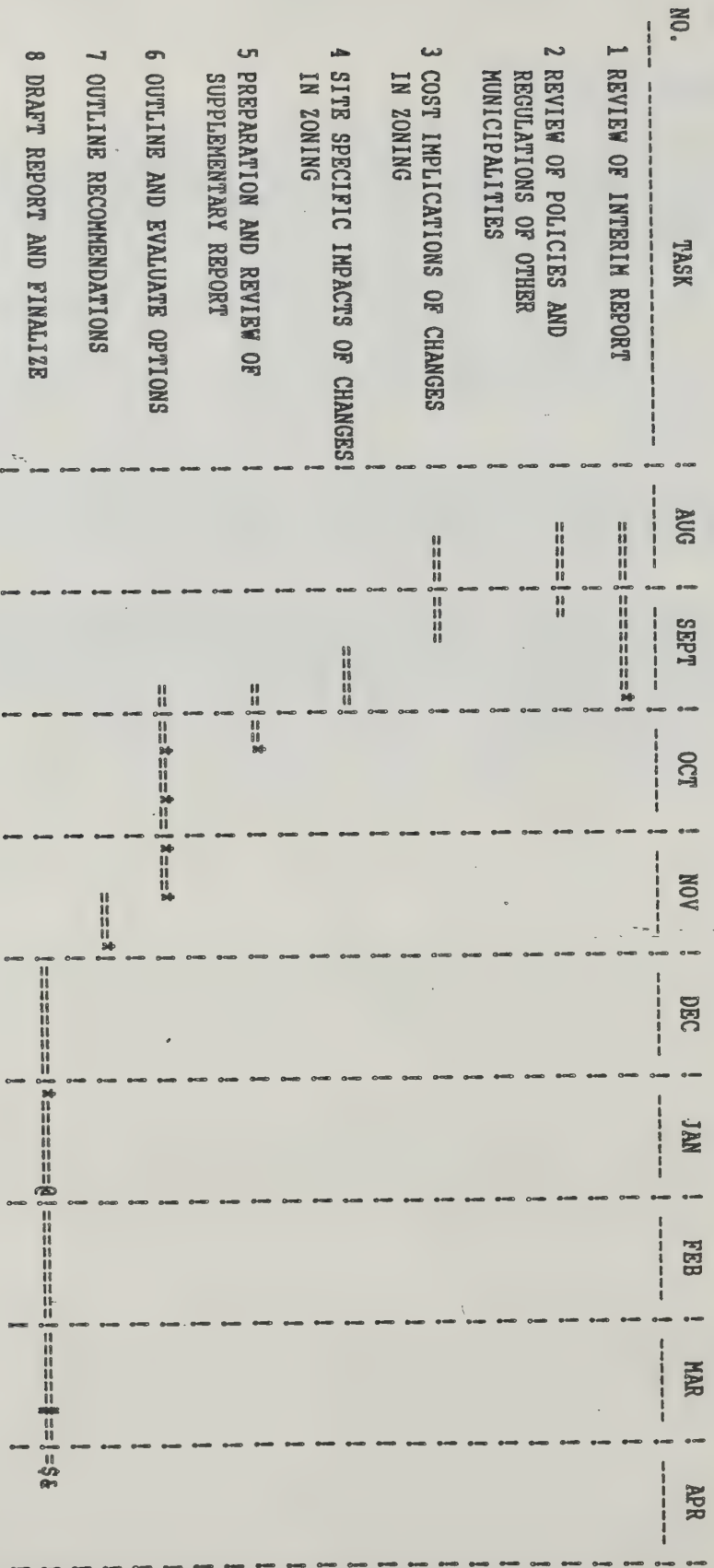
JD/dkp

WP 0617P

PHASE 2 HIGH DENSITY RESIDENTIAL DEVELOPMENT STUDY
TIME CHART

1987

1988



- * ADVISORY COMMITTEE MEETING
- Q PUBLIC MEETING
- # PLG & DEV COMMITTEE MEETING
- \$ COUNCIL
- & SUBMISSION

19.

FOR INFORMATION

FROM Planning and Development Department

DATE August 26, 1987

TO Planning and Development Committee

Refer to File No. P5-5-3-2

Attention of V.J. Abraham

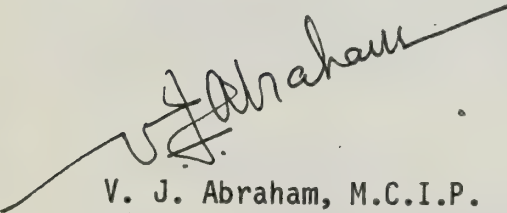
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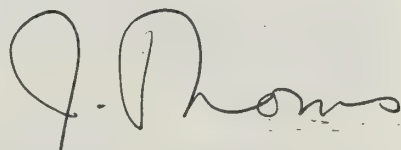
Inventory of Municipal and Regional Industrial Lands in Hamilton.

RECOMMENDATION

That the Planning and Development Committee:

- i) receive this report for information; and,
- ii) forward this report to the Business Land Use Advisory Board for their information.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

On July 23, 1987 a report on the Inventory of Municipal and Regional Industrial Lands in Hamilton was presented to the Executive Committee. The Committee received the report and suggested that a revised report providing information and statistics on the City's and Region's Industrial lands in Hamilton be forwarded to the Planning and Development Committee for their information.

EXECUTIVE SUMMARY

The analysis comparing the sales of industrial lands to the inventory in the City's and Region's Industrial Parks in the City of Hamilton has revealed that:

- the majority of sales have been in "heavier" industrial zoning districts;
- the existing zoning categories appear to adequately permit industrial and business-related uses;
- sales have been high in the Kenora Industrial Park, possibly due to its superior highway access and exposure;
- almost half (45%) of recent land sales (by land area) have been for non-industrial land uses. Only 8.1% of sales have been for manufacturing uses;
- there are 136.55 acres of Industrial lands remaining in the City's and Region's Industrial Parks within Hamilton. Based on the absorption of land over the past two to five year period, this is a nine to twenty year supply;
- The majority of available municipally owned industrial lands in Hamilton are in the East Mountain Industrial Park; and,
- the City's Municipal industrial land banking program compares favorably with other municipal programs.

REPORT

a) Introduction

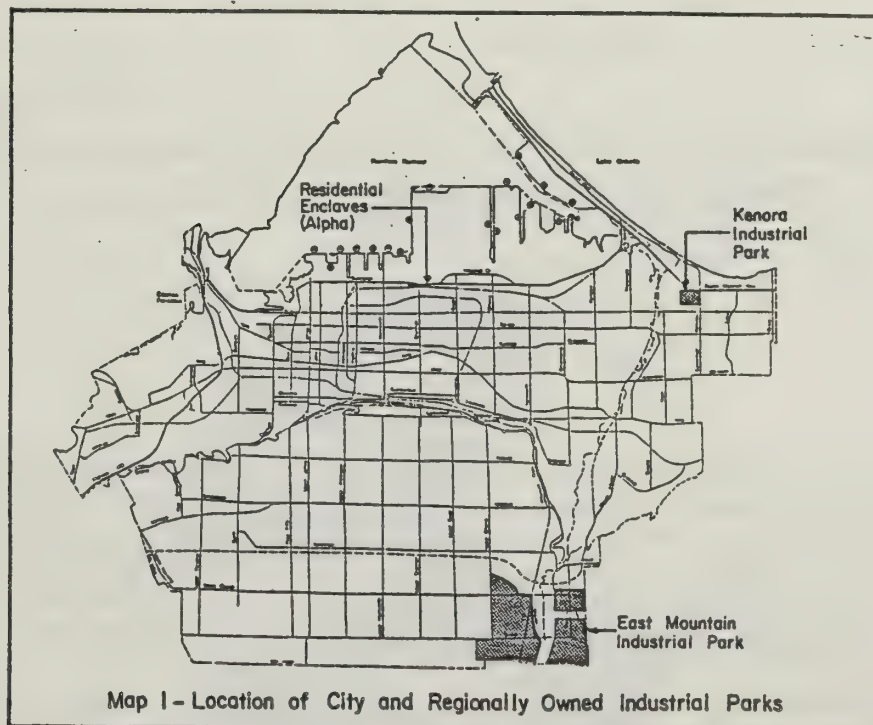
The purpose of this report is to examine the characteristics of the municipal industrial lands recently sold and to compare them with the characteristics of the lands available in the remaining municipal inventory.

The report also examines current municipal land use controls (Official Plan policies and zoning by-laws) and municipal property sales to determine if they are effective in providing the quantity, quality and type of industrial development desired by the City.

b) Municipal Industrial Lands

There are three areas where the Region and City are selling industrial land in Hamilton: The East Mountain and Kenora Industrial Parks and the "Residential Enclaves" (Map 1). In 1985 and 1986, 26 parcels of land comprising 31.97 acres* were sold in these Industrial Areas, for a total sale price of approximately \$2,402,000.00.

Map 1



* Includes lands sold but which have not yet closed.

c) Zoning

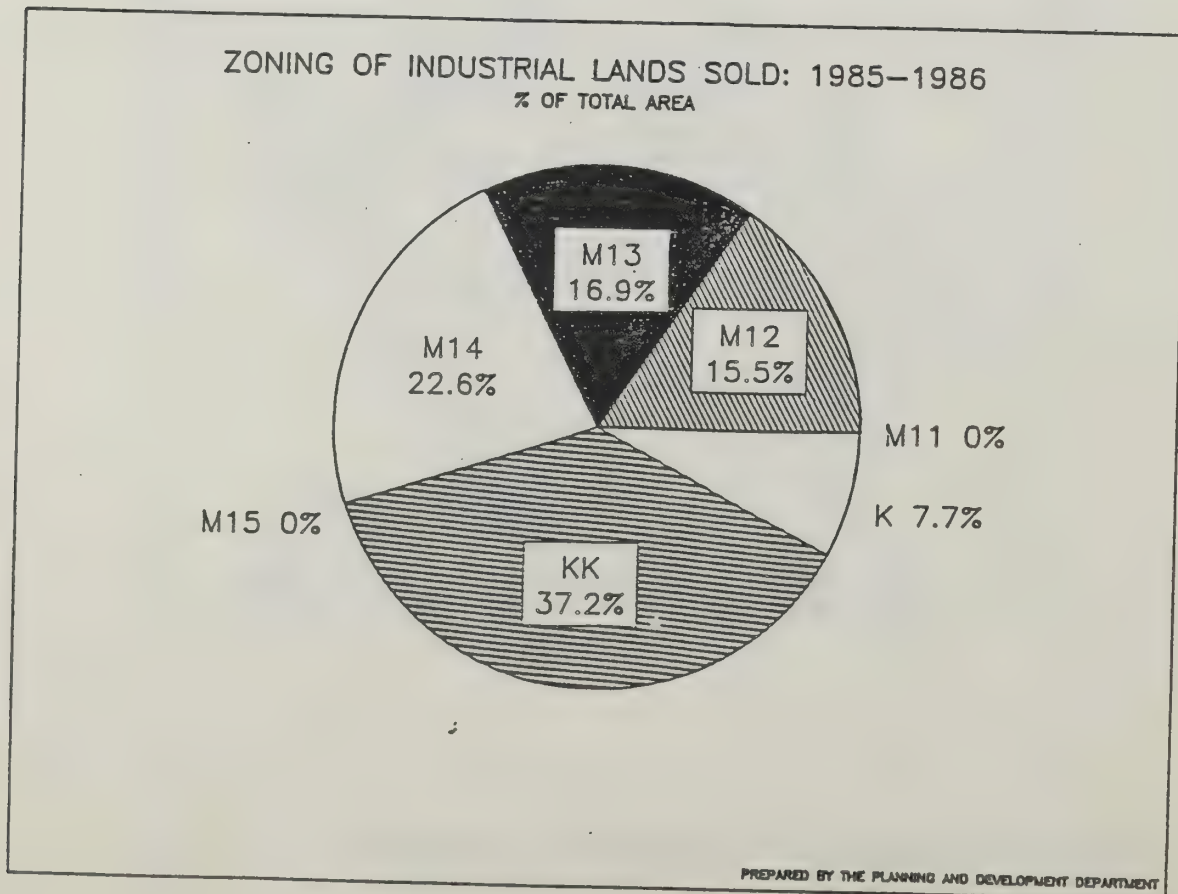
The lands recently sold in the City's and Region's Industrial Areas are affected by a number of industrial zones. The Industrial zoning district beginning with an "M" are "Prestige Industrial" districts. Generally, the "M11" is the most restrictive in terms of permitted uses allowed. The districts become progressively less restrictive as their "M" number increases.

In addition to permitting industrial uses, the "M" Districts also permit a number of business-related uses such as warehousing, offices, financial uses, etc. The "KK" and "K" Districts are "Restricted Heavy Industrial" and "Heavy Industry" Districts that allow much more intensive industrial uses than the "M" Districts.

As Figure 1 shows, the majority of lands sold have been in the less restrictive "M14" and "KK" Districts. The chart seems to indicate that there is a demand for heavily-zoned industrial lands. However, there are a number of reasons why this is not necessarily the case.

Firstly, all of the lands zoned "KK" (Restricted Heavy Industrial) are located in the Kenora Industrial Park which has a superior location (adjacent to the Q.E.W.) in comparison to the East Mountain Park. The Kenora Park offers a highly accessible and visible location.

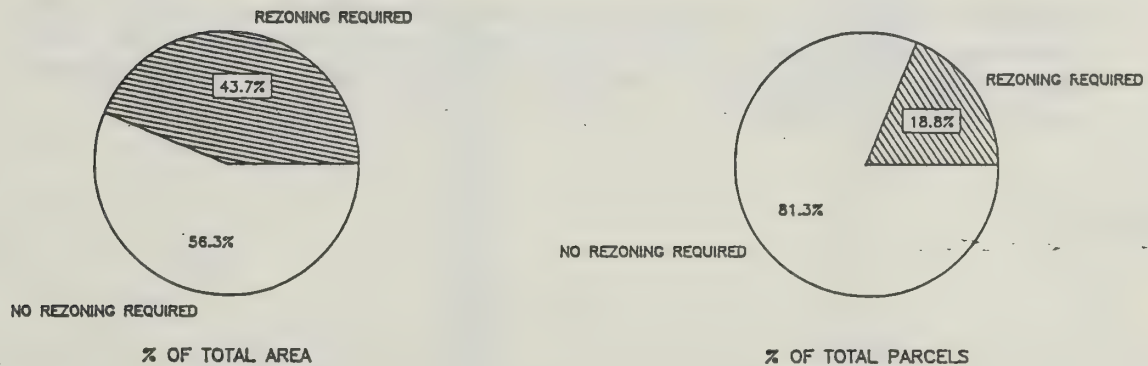
Figure 1



Secondly, most of the recent sales in the Kenora Industrial Park have not been for "heavy" industrial-type land uses. Instead, they have been for warehousing, the sales and services of industrial equipment, and a hotel/retail complex. These "light" industrial and commercial uses did not require the Restricted Heavy Industrial "KK" zoning.

Figure 2

PROPERTIES REQUIRING REZONING -
INDUSTRIAL PROPERTIES SOLD IN HAMILTON: 1985-1986



NOTE: Prepared by Planning and Development Department.

Rezoning was required on 44% of the 32 acres of municipal industrial lands sold in 1985 and 1986 (figure 2 - left pie chart). However, two land extensive parcels, representing 11.85 acres required rezoning to permit a detention centre and a hotel-retail complex. If the municipal industrial land sales are examined in terms of the total number parcels sold, only 19% of the 26 parcels sold required rezoning (figure 2 - right pie chart).

The majority of the lands that required rezoning were to permit non-industrial or business related land uses or to permit land uses that could have been accommodated on nearby appropriately zoned municipally owned lands.

In general, the existing zoning on the City's and Region's industrial lands appears to meet the needs of industrial and business-related uses. The re-zonings were only necessary to permit non-industrial business-related uses and uses that would have been allowed without rezoning on other nearby municipally owned lands.

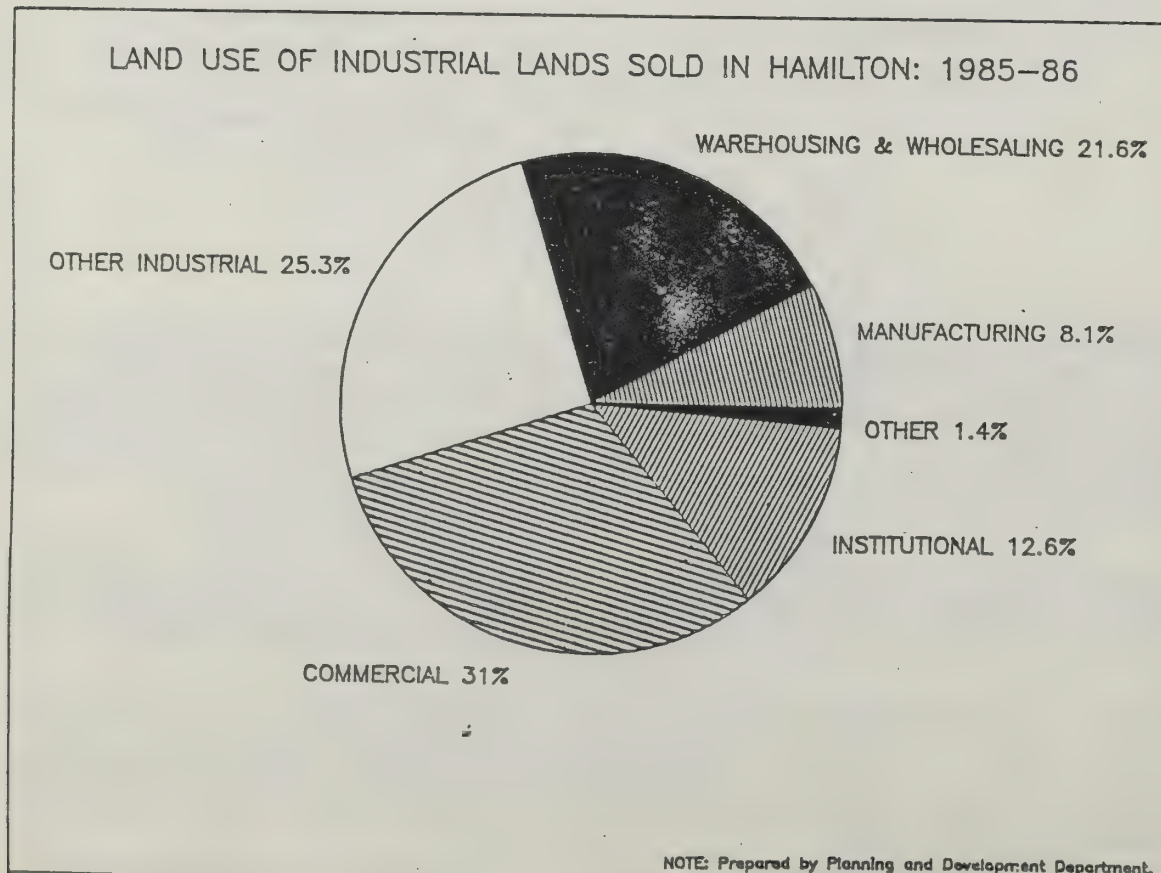
d) Land Use

A review of the eventual land use of municipally owned industrial properties recently sold, as shown in Figure 3 and Table "A" in the Appendix reveals that:

- traditional manufacturing accounted for only 8.1% of total land area sales;
- warehousing and wholesaling uses (including retail/wholesaling concerns) composed 21.6% of total area sales;
- "other industrial uses" such as autobody repair shops) made up 25.3% of the area of land sold; and,
- non-industrial uses (commercial, institutional and other uses) account for the majority (45%) of land area sales.

However, although non-industrial uses composed the largest category, as previously indicated, the sale of two large parcels of land for a hotel/retail complex and a detention centre made up the majority of non-industrial sales.

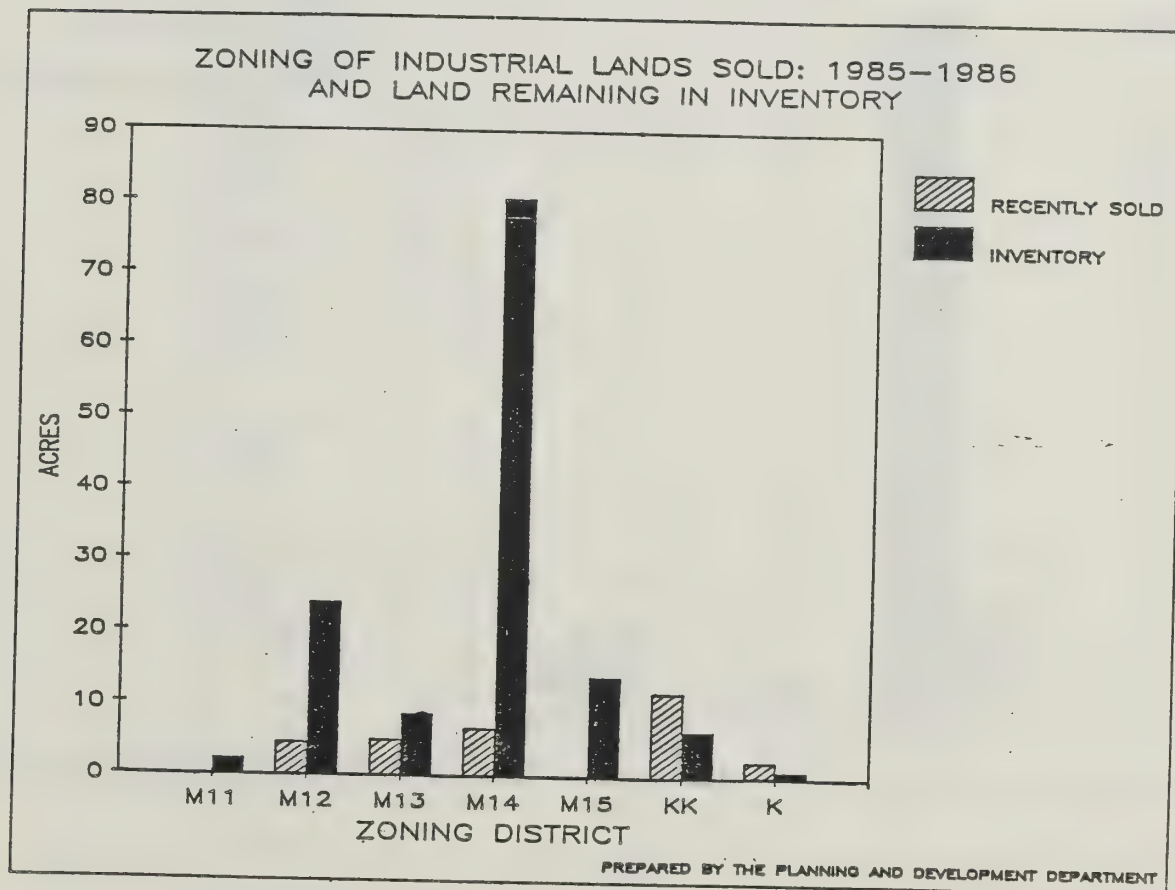
Figure 3



e) Remaining Lands in Inventory

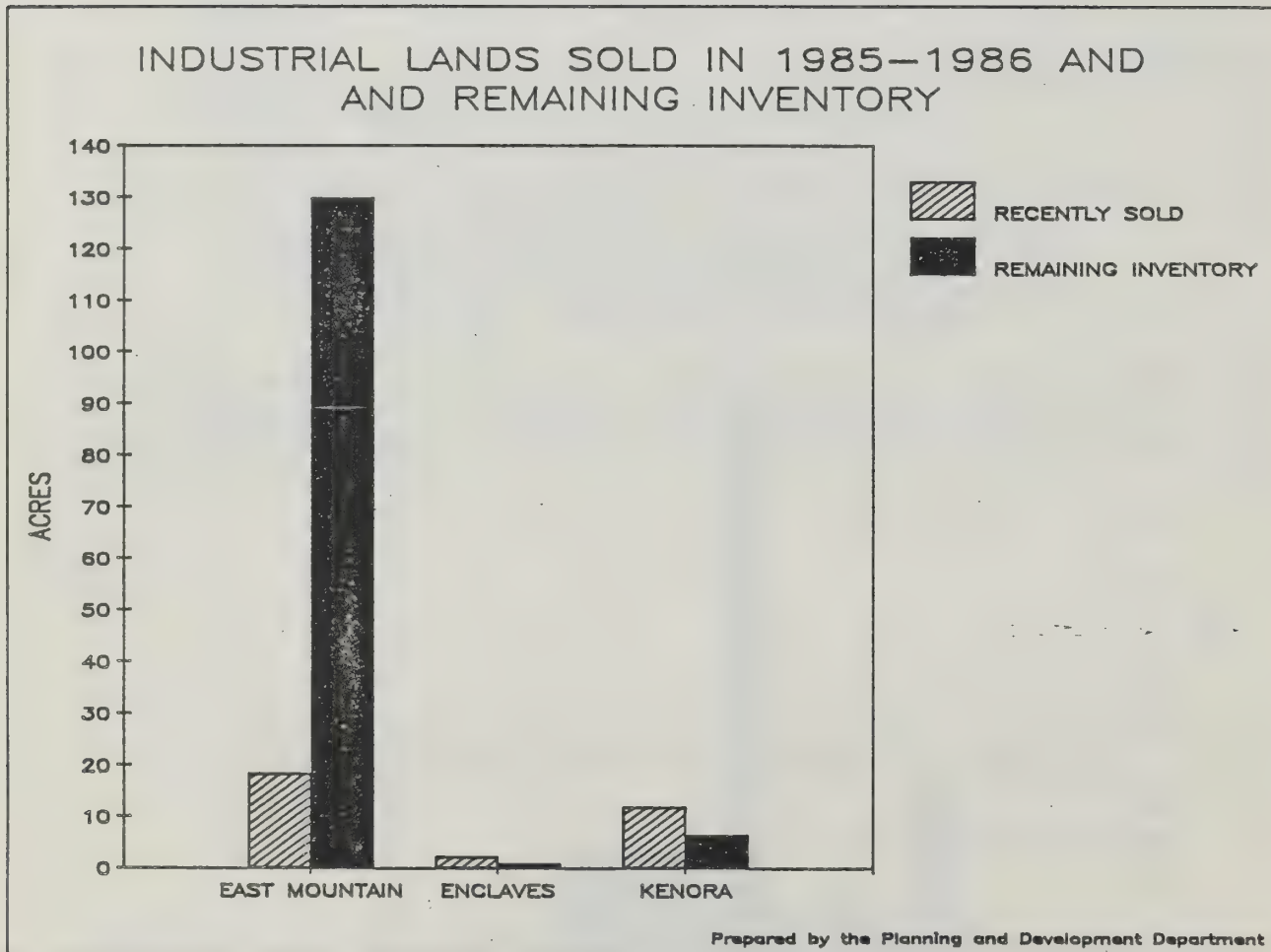
There is a total of 136.55 acres of vacant land remaining for sale in the City's and Region's Industrial Parks in Hamilton. The majority of the lands (101 acres) are in the medium to heavy industrial zoning districts (Figure 4). These zoning districts permit a variety of industrial and business-related uses.

Figure 4



By the end of 1986 (see Figure 5) there were few remaining vacant lands in the Kenora Industrial Park. Since the end of 1986 the remaining lands have been sold. There is also a limited supply of vacant Enclave lands, although the process of acquiring more land is on-going. There is, however, an ample supply of land in the East Mountain Industrial Park.

Figure 5



Sales of industrial lands over the last five years (1982-1986) have averaged 7 acres a year. However, 90% of the lands sold over this time period occurred in 1985 and 1986. Sales over the last two years (1985-1986) have averaged 15 acres per year. If these rates of absorption continue, a nine to twenty year supply of lands is available.

Table 1 compares Hamilton's Industrial land bank with other southern Ontario Municipalities. The table shows that many municipalities do not own industrial lands. In general, the supply of municipally owned industrial lands in Hamilton compares favorably with other municipalities.

Table 1

MUNICIPALITIES WITH MUNICIPALLY OWNED INDUSTRIAL LANDS

MUNICIPALITY	MUNICIPALLY OWNED INDUSTRIAL LANDS ?	AMOUNT OF LAND UNDEVELOPED (ACRES)	ABSORPTION RATES (PER YEAR - 1985-86)	NUMBER OF YEARS SUPPLY AT CURRENT ABSORPTION
HAMILTON WENTWORTH*	YES	114	6.95	16.4
HAMILTON**	YES	237.6	16.4	8.4
ANCASTER	NO			
DUNDAS	NO			
FLAMBOROUGH	NO			
GLANBROOK	NO			
STONE CREEK	NO			
YORK REGION	NO			
AURORA	YES	9	25.6	0.4
MARKHAM	NO			
NEWMARKET	YES	0	150	0.0
RICHMOND HILL	NO			
VAUGHN	NO			
DUREAM REGION	NO			
AJAX	NO			
NEWCASTLE	YES	13	0	N.A.
OSHAWA	YES			
PICKERING	NO			
WHITBY	YES	6	N.A.	N.A.
WATERLOO REGION	NO			
CAMBRIDGE	YES	250	22.1	11.3
KITCHENER	YES	172	40.2	4.3
WATERLOO	YES	55	37.3	1.5
NIAGARA REGION	NO			
FORT ERIE	YES	N.A.	N.A.	N.A.
LINCOLN	NO			
NIAGARA FALLS	YES	108	10.7	10.1
NIAGARA-ON-THE-LAKE	YES	21	N.A.	N.A.
PORT COLBORNE	YES	80	0	N.A.
ST. CATHARINES	YES	13.5	9	1.5
WELLAND	YES	33	1.75	18.9
WEST LINCOLN	YES	54	0	
BRANTFORD	YES	200	26	7.7
HALDIMOND-NORFOLK	YES	158	4.4	35.9
HALTON REGION	NO			
BURLINGTON	NO			
HALTON HILLS	NO			
MILTON	NO			
OAKVILLE	NO			
PEEL REGION	NO			
BRAMPTON	NO			
CALEDON	NO			
MISSISSAUGA	NO			
METRO TORONTO	NO			
EAST YORK	NO			
ETOBICOKE	NO			
NORTH YORK	NO			
SCARBOROUGH	NO			
TORONTO	NO			
YORK	NO			

*NOTE: Ancaster and Glanbrook parks only.

**NOTE: Includes Regionally owned lands in Hamilton.

CONCLUSION

This report should be received by the Planning and Development Committee for their information and forwarded to the Business Land Use Advisory Board for their information.

D.O./mnd
W.P. DOC. 0205P

ENCLOSURE

This report should be received by the Planning and Management Committee for
study, information and forwarded to the Executive Committee for their
information.

D.G. Jones
V.P. - Gen. Secy



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